DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

FY 2009 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 stormwater 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 (9/30/09 Edith)**(WQ-12)**

STATUS: ***127 Standard permits, Biosolids permits are not included if they are combined with their POTW permit.***

b. have expired individual permits (9/30/09)

STATUS: ***There are 11 expired permits if you count the inactive that we choose not to terminate. Without them there would be nine. Two Biosolids permits are expired due to the POTW Standard Permit not being renewed.***

c. have applied for, but have not yet been issued an individual permit 3/31/09 & 9/30/09 Mike Herkimer or John Kennington)

STATUS: ***We have seven facilities that have applied for an individual permit, but not yet received any permit.***

d. have individual permits under administrative or judicial appeal (3/31/09 & 9/30/09 Mike Herkimer or John Kennington)

STATUS: ***There are three permits under administrative or 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%. (9/30/09 Mike Herkimer or John Kennington)

STATUS: ***Based on our complete permittee base (inclusive of storm water), our number of backlogged permits is less than 30 %.***

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. (3/31/09 & 9/30/09 Mike H)

a. Number that are covered by each current storm water general permit (e.g., industrial, construction, MS4) (3/31/09 & 9/30/09 (Mike H**) (WQ-13)**

STATUS: ***76 small MS4, 1167 Storm Water Construction, 504 Active Storm Water Industrial.***

b. Number that are covered by current individual storm water permits (e.g., Phase I MS4s) (3/31/09 & 9/30/09 Mike H)**(WQ-13)**

STATUS: ***3 Medium MS4's***

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

STATUS: ***Ongoing***

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: Ongoing

b. Include EPA in the review process prior to issuing general permits for storm water discharges.

STATUS: Completed and 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: DWQ tracks storm water permits as required.

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: 153 SIUs

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: 153 SIUs

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

STATUS: 2 CIUs

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: One is permitted by the state and the other is not being allowed to discharge to the POTW until it is permitted by the state.

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

STATUS: Inspections only were performed on 25% of the programs. Full audits, which include inspections, were performed on 50% of the programs, however. The

DWQ feels that the 40% inspection requirement is surpassed by the 50% audit result.

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

STATUS: ***50% of the programs were audited.***

c. Provide EPA with the number and percent of local Pretreatment programs that have implemented Pretreatment Streamlining Regulations. (9-30-08 Jen)

STATUS: ***At this time no pretreatment programs have implemented the new streamlining rules.***

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

a. Subsequent to CAFO rule promulgation develop a new General Permit based on revised CAFO Rules. (Ongoing, Don)

STATUS: ***DWQ is preparing new state CAFO rule. The permit will be issued several months following rule promulgation in 2010.***

b. For all permitted CAFOs if available, enter permit facility data, permit event data, and inspection data into ICIS. (Ongoing, Don)

STATUS: ***Permit event data and inspection data are entered into ICIS. Additional permit facility data will be entered when new NOIs and NMPs are received for the new CAFO permit in 2010.***

c. Inform EPA of animal feeding operations that are impacting water quality annually (9-30-09). (Ongoing, Don)

STATUS: ***EPA is informed of AFOs that impact water quality through inspection reports and/or enforcement actions.***

d. Conduct meetings of the AFO/CAFO committee and maintain critical partnerships with NRCS, UACD, the Farm Bureau and the agricultural community.

STATUS: ***The AFO Committee met January 8th, May 5th, and October 20th, 2009. The partnership provided 12 workshops to AFO and CAFO owners regarding the federal CAFO Rule changes. DWQ has provided funding agreements with Utah Farm Bureau, Utah Association of Conservation Districts, and Utah State University Extension, to fund and continue the work of the Utah Strategy. Don Hall of DWQ, attended certified nutrient management planning training provided by Utah NRCS.***

e. EPA will provide CAFO rule development updates, to keep DWQ informed. (Ongoing, Don)

STATUS: Qian Zhang of Region 8 provided updates of the CAFO rule as information became available.

9. Implement the Sewage Sludge (Biosolids) regulations

a. % and # of UPDES permits that contain biosolids language. (3/31/09 & 9/30/09 Mark)

STATUS: 55% or 16 of 29 UPDES (mechanical plants that produce biosolids on an annual basis) permits contain biosolids language.

b. Maintain data in the ICIS database.

STATUS: Ongoing.

<u>UPDES Compliance and Enforcement Activities</u>

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

STATUS: a b c & d are all ongoing with the DWQ.

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 being done and is 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. Utah's Annual Inspection Plan will begin to incorporate the EPA NPDES Compliance and Monitoring Strategy (Oct. 17, 2007) to include details of inspection commitments for both traditional NPDES core programs and wet weather priority areas identified in the EPA strategy. (Ongoing Lonnie, Jeff)

a. Submit draft inspection plan for FY10 by September 1, 2009, and final inspection plan by October 1, 2009 or within 15 of days of receiving EPA's formal comments on the draft plan if EPA comments are received later than September 15, 2009. (Lonnie)

STATUS: The plan was submitted on October 21, 2009.

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

STATUS: Inspection results are entered into ICIS.

c. DWQ will conduct the following number of inspections during FY09
Majors----16 CEIs (about half of total majors)

STATUS: DWQ completed 16 major CEIs.

Minors----16 CEIs (during permit renewals)

STATUS: DWQ completed 24 minor CEIs.

42 other RI inspections will be performed at minor facilities in FY09 (24 Ind., 18 Munic.).

STATUS: DWQ completed 53 RIs (21 Municipal and 32 Industrial)

Pretreatment (Audits and PCIs)----12

d. EPA Region 8 may conduct up to 10 joint/oversight inspections with DWQ in FY09 to meet the needs of the SRF review scheduled for FY2010.

STATUS: EPA requirement, not State's requirement.

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: The DWQ responded directly to three SSO events this year.

b. Continue to inventory (ask questions of) permittees for SSO occurrences and resolutions through the Municipal Wastewater Planning Program (MWPP) questionnaire.

STATUS: ***Ongoing.***

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

i Number of UPDES inspections at major facilities where SSO information was received. 9/30/09 (Jen)

STATUS: ***Please see the MWPP summary attached.***

ii An updated SSO inventory from MWPP surveys. (9/30/09Jen)

STATUS: ***Please see the MWPP summary attached.***

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

STATUS: ***Please see the MWPP summary attached.***

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

STATUS: ***Three audits were conducted for Salt Lake City, Provo and Orem.***

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

STATUS: ***Three formal enforcement actions were taken against: Springville, Tremonton and Price River Water Improvement District.***

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

STATUS: ***66% (2/3) of enforcement actions were performed in priority watersheds: Tremonton in the Lower Bear River, and Springville in the Utah Lake watershed.***

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

STATUS: ***There were three SSOs to waters of the state and all had formal enforcement actions taken.***

d. The State will take enforcement action as per Utah's EMS whenever deemed necessary to protect waters of the state. SSO enforcement actions will be entered into ICIS NPDES as single event violations. Copies of SSO inspection reports will be provided to EPA. (Ongoing Jen)

STATUS: **Ongoing**

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, 2008, (Jen).

STATUS: ***Completed.***

f. DWQ will coordinate with EPA Region 8 to conduct SSO evaluations of 3 medium sized POTWs with UPDES permits (10 to 100 mgd facilities). Any facility that exhibits significant problems will be placed on a formal enforceable schedule by 9-30-09 to address deficiencies and assure compliance. If DWQ determines that any of the systems assessed have sufficient capacity, proper operation and maintenance programs, and a de minimus spill rate, DWQ will provide this determination and supporting material to EPA by 5-1-09 (unless winter weather conditions interfere with conducting evaluations in spring 2009). By 11-30-08, EPA will train DWQ on the State and collection entity requirements for successful collection system operation; and on the procedures that will be used to conduct, follow-up and enforce on violations resulting from these SSO evaluations.

STATUS: ***Completed.***

4. Storm Water

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

Construction Phase I	72	(10% of NOI as of July 2008)
Construction Phase II	42	(5% of NOI as of July 2008)

STATUS: ***DWQ completed 116 construction storm water inspections, 68 Phase I and 48 Phase II.***

Industrial	39	(10% of NOI as of July 2008)

STATUS: ***Storm water industrial inspections completed 53.***

All inspections will be entered into ICIS and copies of inspections reports and enforcement actions will be provided to EPA Region 8. Utah's Annual Inspection Plan will include the industrial sectors that will be focus areas for FY09 as well as any geographic areas targeted for construction inspections (Ongoing, Mike).

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 G., Rhonda Thiele and Harry Campbell).

STATUS: ***Ongoing***

c. Provide EPA with a copy of Utah's current storm water database on 3-31-09, and 9-30-09, either electronically or on CD-rom. (Mike H).

STATUS: ***Completed***

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.

e. EPA Region 8 will identify the difference between the rough draft Enforcement Management System that the DWQ submitted to EPA and the Enforcement Response Guide. DWQ will work with EPA Region 8 to develop Utah's Enforcement Response Guide (ERG) to include storm water within 6 months of EPA's final storm water ERG.

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. The inspection of such sites will count toward the inspection totals in this PPA.

6. Assure proper implementation and consistent enforcement of WET requirements in UPDES 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. EPA Region 8 will notify DWQ when the EPA comments received are considered final. (Ongoing Jeff)

STATUS: ***This is ongoing as we are waiting for EPA's 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 are required to have WET limits or WET monitoring, a list of facilities that have entered into a TIE/TRE during FY09, and a list of any formal enforcement actions which included WET violations, (Jeff).

STATUS: ***No facilities entered into a TIE/TRE this past year and no enforcement actions have included WET. See the DWQ web site at http://www.waterquality.utah.gov/ for a list of facilities which have wet limits or wet monitoring.***

7. Biosolids-Promote the beneficial use of biosolids

STATUS: ***Sponsored biosolids exhibits at two Home and Garden shows.***

a. Continue to conduct Biosolids inspections. The goal will be to conduct inspections on 50 % 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: ***16 Biosolids inspections were completed - 55% of biosolids facilities***

b. Reissue all biosolids permits which will expire in FY2009 and transition into consolidated permits as needed. (Ongoing Mark)

c. Submit an End-of-Year report to EPA (4/1/2009, Mark S.)

STATUS: ***Completed.***

8. Enforcement Agreement.

a. DWQ will revise the State/EPA Enforcement Agreement if needed and warranted. (9/30/09, John Whitehead).

STATUS: ***DWQ has not seen reason to revise the current agreement at this tim***e.

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.

STATUS: ***Ongoing.***

c. EPA will identify and provide copies, if possible, of any policy or guidance documents used when evaluating the appropriateness of DWQ's enforcement actions. 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, and will promptly inform and discuss with DWQ any national and regional enforcement cases in Utah.

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.

h. DWQ will incorporate approved compliance schedules and deadlines into enforcement actions such that these schedules and deadlines are enforceable under the NOV/Order.

STATUS: 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, consult with, and coordinate with 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.

STATUS: Ongoing.

l. After receiving comments from EPA Region 8 on the rough draft EMS policy submitted by DWQ on 4/31/08, DWQ will revise as appropriate and resubmit (4/30/09, Mike Herkimer).

STATUS: No comments have been received from EPA.

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

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. A New Draft Strategy should be completed in FFY09 and will include additional inspections of medium AFOs that have potential to discharge to waters of the State.

STATUS: Funding agreements with Utah Farm Bureau and Utah Association of Conservation Districts require annual reporting. The Annual Report was received February 5, 2009 for the year 2008. The Draft Utah Strategy includes

inspections of Medium AFOs.

b. Maintain an inventory of all permitted CAFOs during FY2009

STATUS: ***DWQ maintains an inventory CAFOs.***

c. Inspect at least 20% of the permitted CAFOs during FY2009. (this will include, at a minimum, inspection of each permitted CAFO at least once during the life of its 5 year permit period)

STATUS: ***There are 53 operating permitted CAFOs in Utah. There are 56 permitted CAFOs in ICIS, but 3 facilities are closed and did not submit notices of termination. DWQ conducted 22 state inspections and was lead on 2 joint inspections with Region 8.***

d. Inspect at least 20% of any unpermitted CAFOs only to determine if they are discharging (each unpermitted CAFO will be inspected during the next 5 years)

STATUS: ***Utah has one known un-permitted CAFO. That CAFO was inspected last year.***

e. All permits, inspections and appropriate enforcement data for permitted CAFOs are entered into ICIS. (hard copies of inspection reports and enforcement actions will be submitted to EPA Region8).

STATUS: ***Permit, inspection, and enforcement data are entered into ICIS. Region 8 receives copies of all CAFO inspection reports and all enforcement actions pertaining to AFOs and CAFOs.***

f. Include in the End-of-Year report for FY2009 (Don):

i. Total known number of permitted CAFOs in Utah.

STATUS: ***56 CAFOs are permitted. Of the 56 CAFOs, 3 CAFOs are closed but have not submitted NOTs.***

ii. Total known number of permitted CAFOs in priority watersheds.

STATUS: ***18 permitted CAFOs are in priority watersheds.***

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***
Cottonwoood Wash	***14080201***
Chalk Creek	***16020101***

iv. Numbers and percent of permitted CAFOs inspected.

STATUS: 24 inspections were conducted which is 45 percent of the permitted CAFOs.

v. Number of CAFOs that are determined to be discharging to waters of the State.

STATUS: 3 permitted CAFOs discharged in 2009. DWQ issued 2 Notices of Violation with EPA issuing a notice to the third CAFO. One AFO was issued a NOV in 2009.

vi. Numbers and percent of total permitted CAFOs inspected in priority watersheds.

STATUS: 9 CAFOs in priority watersheds were inspected. This is 38 percent of the CAFOs inspected during the year.

vii. Number of enforcement actions taken against un-permitted facilities and permitted CAFOs, including:
- Number of Settlement Agreements
- For each case, any penalty amount assessed and collected

STATUS: No Settlement Agreements were finalized in 2009, but it is anticipated to have final Settlement Agreements very shortly. No penalties have been assessed at this time.

viii. Number of compliance assistance workshops, training sessions, and/or presentations given for AFO/CAFO operators and/or Ag organizations.

STATUS: ***12 AFO/CAFO workshops were presented by DWQ and the partners. DWQ gave presentations at Water Quality Board meetings and AFO Committee meetings. DWQ also provided one training session for the partners that will be conducting AFO assessments under the Utah Strategy.***

ix After rule revision and issuance of the next CAFO permit, Nutrient Management Plans for CAFOs shall be tracked in ICIS.

STATUS: ***NMP information will be included in ICIS as required.***

x. For unpermitted CAFOs the number of complaints received, number of inspections and enforcement actions taken.

STATUS: ***No complaints, inspections, and enforcement actions were received or conducted during the year for un-permitted CAFOs.***

g. EPA may conduct up to two joint oversight CAFO inspections during FY 09. EPA will notify the AFO/CAFO Coordinator of any inspections in Utah at least two weeks previous to conducting the inspections. (If possible, EPA will give Utah more than two weeks notice.)

STATUS: ***Region 8 conducted 2 state-lead inspections with DWQ and also conducted 2 EPA-lead inspections at CAFOs. EPA gave at least two weeks notice as included above.***

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: ***78***

c. Storm Water (Mike G., Harry and Rhonda)

STATUS: ***169***

d. CAFOs (Don)

STATUS: ***24***

e. Biosolids (Mark)

STATUS: ***16***

f. SSOs (Jen)

STATUS: ***Three SSO audits***

g. Pretreatment (Jen)

STATUS: ***10 audits and 5 inspections.***

EPA will determine the number of inspections conducted at midyear (March 31, 2009) by DWQ in each category above by pulling this information from ICIS. Any inspections, which do not appear in ICIS by March 31, 2009, 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:

STATUS: ***a,b & c are ongoing.***

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

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: ***Ongoing.***

c. SAs for minor permittees and non wet weather un-permitted facilities are sent to EPA after they are settled (Ongoing DWQ Staff)

STATUS: ***Ongoing.***

d. Study and revise as appropriate DWQ's penalty policy associated with enforcement actions. (9/30/09, Mike Herkimer and John Kennington.)

STATUS: ***This is in process.***

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.

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 FY09, 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.

STATUS: a & b are ongoing.

a. Continue outreach/education activities. (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)

c. In FY09, DWQ will develop an audit and inspection plan for Phase II MS4s to ensure that compliance determinations for these systems are completed within the next 6 years. The audit and inspection plan will be submitted to EPA Region 8 for review and comment by March 31, 2009. The plan should be finalized within 45 days of EPA's comments. This plan is subject to change as agreed to by EPA and DWQ.

STATUS: Plan was submitted to EPA. To our knowledge no comment has been received.

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: ***DWQ should have state rules in early calendar year 2010.***

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

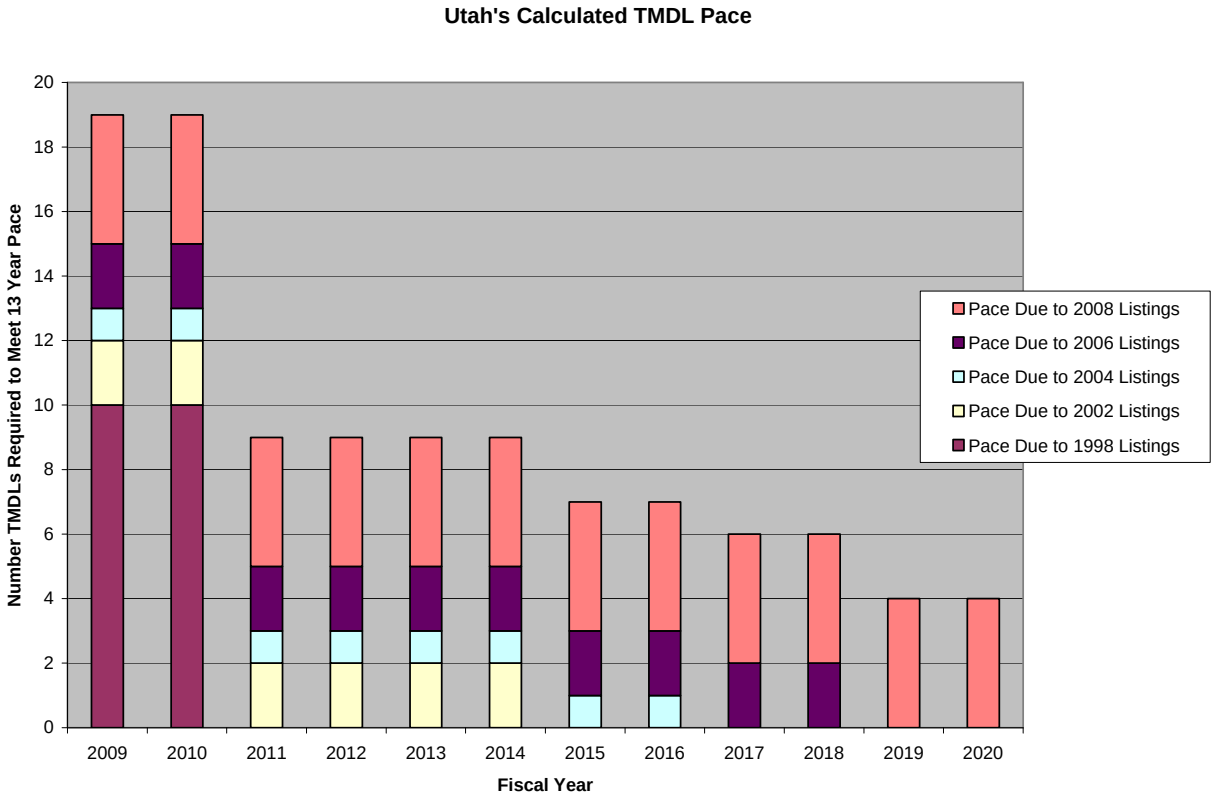
STATUS: ***DWQ anticipates issuing the new CAFO permit within a few months following final promulgation of the state rule.***

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-8)**

STATUS: ***Based on a 13 year time frame to complete all TMDLs listed since 1998, 19 TMDLs need to be completed per year (see bar chart below). Based on the watershed approach we use for TMDL development and implementation in some years we have completed greater than 19 TMDLs per year and some we have completed less. Due to the increased complexity of TMDLs currently in progress within the more heavily populated watersheds of the state, the pace of TMDL submissions has decreased. However it should be noted that all waters listed in 1998 have or are in the process of having TMDL studies completed on them, therefore we anticipate meeting the 13 year deadline. Additionally, a comprehensive tracking tool for TMDLs and waterbody assessments has been provided by EPA that will assist in accurately reporting TMDL completion status.***



b. Incorporate into rule by reference all TMDLs approved by EPA within 120 days after notification. (Ongoing Carl Adams)

STATUS: ***All EPA approved TMDLs have been incorporated into Utah's water quality rules by reference.***

2. Monitor implementation activities for completed TMDLs by establishing implementation milestones and tracking their completion. Tracking reports will be updated annually on January 15. (Carl Adams)

STATUS: ***TMDL implementation tracking is ongoing and has been included in DWQ TMDL coordinators' annual performance plans. Information on implementation activities is also provided from several sources including DWQ TMDL coordinators, local Watershed Coordinators, partner agencies such as the Dept. of Natural Resources via the Watershed Restoration Initiative and NRCS' EQIP program.***

3. Determine the number of waterbodies on the 2002 303(d) list that are either fully restored (**SP-10**), partially restored (**SP-11**) or have EPA approved TMDL, 4b, or 5m documents (**WQ-21**).

STATUS: ***Number of waterbodies on 2002 303(d) list fully restored (SP-10) = 57***
Number of waterbodies on 2002 303(d) list partially restored (SP-11) = 136
Number of waterbodies on 2002 303(d) list with EPA approved TMDL, 4b, or

5m documents <u>(WQ-21) = 64</u>

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. 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. Examples of current planning and coordination efforts include the Jordan River Watershed coincident with the TMDL study currently in progress, in the East Canyon Creek watershed as part of TMDL implementation efforts there, and in the Middle Sevier River Watershed also associated with implementation of the TMDL.

ENGINEERING

1. Maintain a successful underground wastewater disposal system program. (Ongoing, Ed Macauley.)

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

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

    c. Work with the on-site wastewater committee to revise the regulations governing the design and construction of onsite systems. (Ongoing, Ed Macauley.)

2. Maintain a CWSRF cumulative fund utilization rate of over 95%. (Ongoing, Ed Macauley) **WQ-16**

3. Report of Success: All of the Engineering objectives have been met or exceeded as follows:

    a. Have excellent working relationship with the Local Health Departments (LHDs). Met jointly 11 times last year. DWQ staff also conducted a field "ride along" with over one-half of the LHDs. A health officer was added to the Water Quality Board effective at the June 2008 meeting. Work is continuing with Utah State University (USU) on its excellent onsite training program. Ongoing rule revision

of *R317-4 Onsite Wastewater Systems* continues with the most recent revision adopted effective October 23, 2007,

b. Current cumulative fund utilization rate for the CWSRF is 99%.

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.

2. USEPA agrees to provide the following support to the Utah 1422 UIC Program:

   a. One annual midyear review of Utah 1422 UIC Program. Done with Jason Deardorff on 4/9/09 in Salt Lake City.

   b. Technical training, as appropriate and as funds allow. See Annual Report included in Appendix A..

   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.

3. To protect Underground Sources of Drinking Water (USDWs) from contamination by maintaining and implementing an effective core program, the DWQ 1422 UIC Program agrees to

   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). Semi-Annual Report submitted 4/24/09 and Annual Report submitted 10/20/09.

   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)) See Annual Report included in Appendix A.

c. Identify and report the number and percent of injection wells that are used to inject industrial, municipal, or hazardous waste (Class I) wells that fail mechanical integrity and maximize the number that are returned to compliance within 180 days, thereby reducing the potential to endanger underground sources of drinking water. Goal 2 Subobjective 2.1.1 ACS/PAM SDW-7a. EPA Region 8 2009 goal is 90%. See Annual Report included in Appendix A.

STATUS:

- ***Number that lose mechanical integrity.***
- ***Number that lose mechanical integrity that are returned to compliance within 180 days.***

d. Identify and report the number and percent of injection wells that are used for salt solution mining (Class III) that lose mechanical integrity and maximize the number that are returned to compliance within 180 days, thereby reducing the potential to endanger underground sources of drinking water. Goal 2 Subobjective 2.1.1 ACS/PAM SDW-7c. EPA Region 8 2009 goal is 90%. See Annual Report included in Appendix A.

STATUS:

- ***Number that lose mechanical integrity.***
- ***Number that lose mechanical integrity that are returned to compliance within 180 days.***

e. Identify and report identified Class V Motor Vehicle Waste Disposal wells and maximize the number that are closed or permitted thereby reducing the potential to endanger underground sources of drinking water. Goal 2 Subobjective 2.1.1 ACS/PAM SDW-6. EPA Region 8 2009 goal is 85%. See Annual Report. included in Appendix A

STATUS:

- ***Number of MVWDWs closed in program history. (not required if previously reported)***
- ***Number of MVWDWs closed in FY09 reporting period.***
- ***Number of MVWDWs issued permits in program history***
- ***Number of MVWDWs issued permits in FY09 reporting period***
- ***Number of MVWDWs identified in program history***
- ***Number of MVWDWs identified in FY09 reporting period***

f. Identify and report High Priority Class V wells identified in sensitive ground water protection areas* and maximize the number that are closed or permitted thereby reducing the potential to endanger underground sources of drinking water. Goal 2, Subobjective 2.1.1 PAM SDW-8: EPA Region 8 2009 goal is 70%. See 10/20/09 Annual Report included in Appendix A.

STATUS:

- ***Number of high priority Class V wells in sensitive ground water protection that have been identified, and the number closed or permitted in FY09 reporting period.***

* Although Utah has not formally delineated "other sensitive ground water areas" through out the state as defined by the December 7, 1999 final rule, the 1422 UIC Program will continue to prioritize the identification, reporting, and return-to-compliance of MVWDW and other high priority wells within Source Water Protection Zones and other areas, although not formally delineated, where risk to human health and vulnerability to ground water contamination is recognized.

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). Ongoing.

h. Track EPA's development of draft rules for carbon sequestration and provide comment with the Injection Well Subcommittee of the State's Carbon Capture and Geologic Sequestration Work Group (Candace). Ongoing.

i. Participate on the National UIC Data Management Steering Committee and Integrated Project Team for the National UIC Database (Candace). Candace has resigned from these committees to focus on populating the Utah UIC geodatabase, preparing an error free submittal to the National UIC Database for the purpose of opting out of traditional quarterly reporting to EPA and to prepare the Utah UIC data set for inclusion in the Utah Integrated GIS Map.

4. 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). See 10/20/09 Annual Report included in Appendix A.

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). See 10/20/09 Annual Report included in Appendix A.

Table I - UIC Reporting Requirements FY 2009

Due Date	**Reporting Cycle**	**Report Required**
January 20 (1st Quarter Date)	Quarterly	Quarterly Exceptions List (Form 7520-4)
April 20 (2nd Quarter Date)	Quarterly, Semi-Annual	**Quarterly** Quarterly Exceptions List (Form 7520-4) **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) Program Activity Measures (PAMs) Electronic Spreadsheet Report **OR** "Extra Reports" Class V Activities Narrative
July 20 (3rd Quarter Date)	Quarterly	Quarterly Exceptions List (Form 7520-4)
October 20 (4th Quarter Date)	Quarterly, Semi-Annual, Annual	**Quarterly** Quarterly Exceptions List (Form 7520-4) **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) Program Activity Measures (PAMs) Electronic Spreadsheet Report **OR** "Extra Reports" **Annual** Permit Review and Issuance, AOR (Form 7520-1) Annual Program Narrative Class V Inventory Progress

December 31	Annual	Final Financial Status Report (FSR)

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 UIC grant on achievement of FY 2009 DWQ/Ground Water Program Goals and objectives. (Rob due 9/31/09) Ongoing.

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

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

   d. Continue participation in the Ground Water Protection Council National Ground Water Strategy Committee with EPA Headquarters, Regions, and States. The intent is to help EPA develop a national strategy for refocusing EPA and States efforts on ground-water protection. (Bill Damery ongoing) Ongoing.

   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) Ongoing.

   f. 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) Ongoing.

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.

   Measures:

   a. Conduct a review of the NPS Management Program jointly with key partners and stakeholders to improve the 319 funding process and strengthen overall program operation and management. (Jeff O)

STATUS: ***Task is partially complete. The first round was completed and reported results at joint meeting of Water Quality Board and Utah Conservation Commission. Response was good from NPS program staff around the state but response from***

landowners was insufficient to analyze. The 2nd round landowner survey is underway with results expected by March 2010.

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: ***This task is ongoing and is on schedule. A new progress/evaluation form was developed by UDAF and is being used for all 319 Project Implementation Plans both at DEQ and UDAF.***

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

STATUS: ***This task was completed in 2009 with FY-2008 Annual Report sent to EPA on February 12, 2009. The FY-2009 Annual Report is on-schedule and should be completed by January 31, 2010.***

d. Continue revisions to the NPS stormwater/urban run-off plan as resources allow.

STATUS: ***A small amount of ARRA money was secured through 604(b) grant to prepare a storm water/urban run-off plan. The DWQ is negotiating a contract and workplan with the University of Utah to prepare a nonpoint source management plan for Utah.***

e. Complete the Abandoned and Inactive Mine component to the state's NPS Management Plan and submit to EPA for review by March 31, 2009.

STATUS: ***This task is behind schedule and will be worked on in 2010.***

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

STATUS: ***A major success was achieved in July 2009 with the purchase of prime riparian corridor on the East Fork of the Sevier River by Utah Division of Wildlife Resources. Some $340,970 of CWA 319 funds assisted with the purchase via contract between DEQ and Division of Wildlife Resources.***

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 being gathered from NRCS, UDWR, UDAF and will be reported in the 2009 Annual Report for the NPS Program.***

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: ***This task is accounted for under the UPDES AFO/CAFO activities.***

i. Obtain final project reports from project sponsors and coordinate with EPA to

obtain concurrence for grant closure in a timely manner.

STATUS: ***The DWQ is working aggressively with local watershed coordinator and UACD staff to obtain all remaining 319 project final report for the FY-01,'02, '03, and '04 NPS Grants. Currently there are about 25 outstanding reports for the four grants that are yet to be received and approved.***

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: ***This task is ongoing. Such information is included in project final reports, in annual project evaluation reports and to limited extent is summarized in NPS Program Annual Report.***

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)**

STATUS: ***For FY-2009 and additional two plans were completed, Cutler Reservoir/Middle Bear River TMDL and East Canyon Creek and Reservoir TMDL Plan, making a total of 17 watershed based/TMDL Plans prepared by DWQ and contractors.***

l. Report the 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-2009 is 2 watersheds. (**WQ10**)

STATUS: ***The small watershed called Mill Creek above Salt Lake City fits this category and also the Rees Creek watershed a tributary to Echo Creek in Summit County could be considered substantially implemented.***

m. Report the number of developed Watershed Plans and identify those in progress. (NPS Plan Task 4)

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

n. Report the number of basin steering and technical advisory committees formed and functioning. (NPS Plan Tasks 9 & 10)

STATUS: ***Approximately 24 local watershed committees are organized and functioning***

with DWQ in the development and implementation of TMDLs. Local chairs and sponsors vary including counties, Conservation Districts and Water Districts.

o. Report the 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: These data have been requested from NRCS and will be reported in the 2009 NPS Program Annual Report.

p. Report the number of priority watershed coordinator positions developed and functioning according to DWQ contract work plans. (NPS Plan Task 9)

STATUS: Eleven 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 2008 Integrated Report and update the EPA Assessment Database, (ADB, version 2 or later), by January, 2009. **(WQ7)**

STATUS: DWQ met with EPA staff to resolve questions associated with the 2008 Integrated Report. All analyses are complete, the data entry is underway, and we anticipate meeting this goal on schedule. However, our intent is to release the report for a second round of public comment in conjunction with the 2010 Integrated Report.

b. Work with EPA to refine processes and develop methods and timelines for the submittal of the 2010 Integrated Report.

STATUS: A number of timelines have been developed and vetted with EPA staff over the past six months and DWQ is on target to complete the 2010 Integrated Report and have it submitted to EPA by April, 2010.

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

STATUS: This task will be complete in conjunction with the 2008 and 2010 Integrated Reports.

d. Report impaired waters identified on or before the 2000 303(d) list of impaired waters as with primarily nonpoint impacts that have been restored to partial or full attainment of assessed beneficial uses. **(WQ-10)**.

STATUS: ***This task will be complete in conjunction with the 2008 and 2010 Integrated Reports.***

d. Report the number of impaired watersheds (at the 12 digit HUC scale), where water quality conditions improve (cumulative). The target measure estimated for 2009 is 2 and estimated target for 2012 is 8. (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)**

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

f. Evaluate and revise as necessary assessment methodologies for the 2010 Integrated Report. In particular, thoroughly evaluate assessments methods for reservoirs and develop a new section that specifies how data and information from outside DWQ will be used in the 2010 assessment process. (Tom and Chris, May 1, 2009)

STATUS: ***Due in part to staffing changes, plans for revamping the reservoir assessment methods have been delayed until the 2012 Integrated Report. However, we have spent considerable time checking previous lake and reservoir assessments for errors and believe that the 2008 and 2010 Integrated Reports will accurately convey beneficial use support based on existing methodologies. A document was developed that specifies data submission guidelines (http://www.waterquality.utah.gov/WQAssess/2010IR_DataElementsToInclude.pdf) , which will be augmented for the 2012 reporting cycle to better reflect data tracking procedures.***

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 that includes the following changes: Great Salt Lake Management Areas, a tissue based selenium site specific standard, improvements to the antidegradation review requirements, new E. coli standards, new TDS standards, and better defined distinction between primary and secondary contact beneficial uses. The final submission to the EPA will include the revised rule, supporting analyses (such as UAAs and other site-specific justifications), copies of comments received, the State responses to comments, and an Attorney General certification that the revisions were duly adopted pursuant to State law. **(WQ3 & WQ4)**

STATUS: ***The triennial review and associated materials were submitted to EPA for approval on November 10, 2008. On September 30, 2009, EPA submitted a formal action on the proposed changes to Water Quality Standards that included the following actions: 1) <u>deferral of action</u> on the selenium numeric criterion for the Great Salt Lake, 2) d<u>isapproval</u> the changes to R317-2-***

3.5(b)(5) that defines losses of assimilative capacity considered de minimis and not requiring a Level II review, 3) <u>disapproval</u> of the antidegradation trigger established in the footnote for the Great Salt Lake selenium standard, and 4) <u>approval</u> all other changes to the Water Quality Standards approved by the Board.

Since receiving the action letter, DWQ has been working with EPA and stakeholders throughout the State to resolve the disapproval of the de minimis Antidegradation provisions. General agreement was reached by all parties that these exceptions to Level II review requirements should be entirely eliminated. Instead, DWQ agreed to focus on developing a Level II implementation policy that balances the intent of antidegradation procedures with the need to minimize the regulatory burdens for proposed projects that are small in scope or unlikely to result in significant improvements to the environment. A draft of these implementation procedures has been developed and will be vetted with stakeholders in December and early January with the goals of finalizing the guidance by late January. Also, in November staff received permission from Utah's Water Quality Board to proceed with rulemaking to make changes that are congruous with the options presented with EPA's disapproval of this WQS provision.

Also included in the change to standards that are in public review are proposed changes to pH and DO criteria for impounded wetlands of the Great Salt Lake. These standards revisions, if adopted and approved, will allow DWQ to move beyond the primary political and legal hurdles that have delayed submission of the 2008 Integrated Report.

DWQ is deferring action on any changes to the footnote for the Great Salt Lake selenium standard until EPA acts on the selenium criterion. To date, DWQ is still waiting on EPA to act on the Great Salt Lake selenium standard.

b. Continue working with the water quality standards (WQS) workgroup of stakeholders and partners to identify and address potential improvements to Utah's WQS. Continue to implement a collaborative triennial review process with this workgroup to solicit public input, further define the triennial review process.

STATUS: ***DWQ met with the WQS workgroup to discuss options for standards revisions to address EPA's disapprovals. In addition, we have formed a couple of sub-workgroups to evaluate: 1) antidegradation implementation provisions, and 2) revisions to Utah's aquatic life narrative criteria.***

c. Continue to evaluate and if necessary refine the site specific water quality standard for selenium for the Great Salt Lake.

STATUS: ***DWQ submitted a selenium standard for Gilbert Bay of the Great Salt Lake for approval on November 10, 2008. This standard is the result of a multi-year collaborative process among numerous stakeholders and represents the fist***

numeric criterion for the Great Salt Lake. DWQ is still anxiously awaiting action from EPA on this proposed criterion due to legal questions regarding the nexus between the CWA and International Migratory Bird Treaty.

d. Continue to implement the State's mutually agreed upon Nutrient Criteria Development Plan with a focus on development of nutrient criteria for wadeable streams and wetlands. Provide annual progress report to EPA in February each year. **(WQ-2)**

STATUS: ***DWQ has made considerable progress toward the development of nutrient criteria. Three studies are underway, with an anticipated completion date in the next few months. The first study aims to evaluate the cost of criteria implementation to major POTWs. The second study evaluates biological responses of stream biota to nutrient enrichment. The third study is attempting to document the potential ecological benefits of nutrient removal by collecting data both upstream and downstream of major POTWs statewide. Results from these efforts and others will be reported to EPA in February. The development of nutrient criteria, or alternative mechanisms for addressing adverse effects of nutrient pollutants, remains as one of the primary short-term goals of DWQ WQM programs.***

e. Continue to develop and revise water quality criteria for wetlands. Propose draft DO and pH standards for impounded wetlands by April 1, 2009.

STATUS: ***Proposed changes to pH and DO criteria for impounded wetlands of the Great Salt Lake will be made available for public comment in December, 2009 (please note that the 2009 date above should read 2010). Accompanying these proposed changes to standards is a draft assessment protocol that provides a mechanism to ensure that the proposed changes to the Water Quality Standards will be replaced with a mechanism that represents a better, more defensible way to ensure protection of the beneficial uses of these waters.***

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)**. EPA will work with DWQ to track ongoing progress towards nutrient criteria development, secure necessary funding to support analytical work, and to collaborate with DWQ on the development of a WQS package with the goal of presenting this information for rulemaking in the summer of 2009. (**WT4**)

STATUS: ***Please see item (d) from this section.***

g. 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: ***Please see item (d) from this section.***

h. Develop preliminary conclusions on possible mercury and nutrient impacts on Farmington Bay and its associated wetlands by January 30, 2009. EPA will provide technical assistance to support this effort.

STATUS: ***Collaboration between EPA and DWQ resulted in a nutrient assessment framework for Farmington Bay and a Great Salt Lake Mercury Assessment Framework that became the Great Salt Lake appendix as part of the 2008 Integrated Report. Paleolimnology research performed by international experts is underway to evaluate historic changes in key water quality parameters and biological assessmblages in 4 key time periods. The results of this study (draft report due April, 2011) will provide preliminary conclusions of nutrient impacts to Farmington Bay, Gilbert Bay and Bear River Bays. Per the Mercury Assessment Framework, a literature review of pertinent benchmarks was performed by EPA and USFWS. Data from the Great Salt Lake Ecosystem Assessment and other available studies will be compared to the chosen benchmarks for a preliminary assessment and will inform future data collection needs***

i. Work together with region 8 EPA to develop specific processes, including communication channels, for proposals of changes to beneficial uses and site-specific standards. (February 1, 2009)

STATUS: ***Many improvements have been made both within DWQ and between DWQ and EPA with regard to the communication channels that are followed to complete these efforts. Nonetheless, these processes still need to be formalized into a process that provides a framework for these interactions. DWQ looks forward to working with EPA to continue to improve and document the processes that will be followed for site-specific standards and UAAs.***

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

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: ***In part due to recent staffing changes within DWQ the list of sites was not formalized into the annual monitoring strategy. Nonetheless, a list was compiled by working with DWQ staff and stakeholders from other agencies. In particular, a partnership was developed with SL County this year that will allow the agencies to share data and information. In addition to the sites typically sampled for DWQ programmatic needs, additional sites were also sampled this fall to assist in the development of stream nutrient criteria.***

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, 2008)

STATUS: ***All told, about 104 sites were sampled this fall.***

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

STATUS: ***Ongoing. This remains among the largest goals with the biological assessment program for the coming year.***

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

STATUS: ***Ongoing. DWQ will refine the stream assessment RIVPACS model in December to incorporate additional reference site data. DWQ also generated a draft Multi-Metric Index (MMI) for the impounded wetlands of the Great Salt Lake.***

e. Compile and utilize existing biological data to create preliminary site assessments and include these assessments in the 2010 Integrated Report. (9/15/2010)

STATUS: ***DWQ anticipates that the 2010 IR will include biological assessments based on data collected through 2008.***

f. Evaluate all assessment tools and review the existing thresholds of impairment and procedure for incorporating these measures into the listing process. Revise if necessary. EPA to provide technical review and input. (December 2009)

STATUS: ***DWQ has initiated dialogue and discussions with EPA on options for revising impairment thresholds. We anticipate continuing this work through the early part of 2010.***

MONITORING

1. Establish an effective Monitoring Program. **RGI**

a. Revise DWQ's Strategic Monitoring Plan for chemistry, bioassessment, physical habitat, fish, fish tissue and pathogens to meet programmatic needs, including a schedule for regular QAPP and SOP revisions. DWQ will submit periodic plan updates to EPA for review and comment. EPA agrees to provide comments within 30 days of DWQ's submissions. (5/30/2009, Jim).

STATUS: ***Completed the Strategic Monitoring Plan. Draft reviewed and approved by EPA. Draft will undergo stakeholder comment and revision if necessary in early 2010.***

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. (Jim/Bill D. Ongoing)

STATUS: ***Groundwater monitoring completed by USGS. UCASE monitoring is ongoing and DWQ staff completed its first probabilistic survey in the Fall of 2009.***

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: ***In December, 2009, DWQ created a preliminary multimetric index for the impounded wetlands of Great Salt Lake Indices of water chemistry, submerged aquatic vegetation and macroinvertebrates were developed based on past data collection efforts that will inform future data collection needs until funding is secured. DWQ will continue to collect water chemistry and macroinvertebrate data. DWQ intends to form numerous partnerships with agencies and stakeholders to secure funding and begin research that will define wetlands classes, refine the multimetric index and initiate an adaptive management process for Great Salt Lake wetlands.***

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)

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

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

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

STATUS: ***Ongoing. DWQ continues to be an active participant in the statewide mercury in fish tissue monitoring program as well as chair and coordinate the Mercury Work Group. Laboratory results from the Great Salt Lake Mercury Ecosystem Assessment are near completion and a final report will be completed by Spring, 2010.***

2. Develop a plan for the development of a new database, data management, QA/QC tools, and retrieval software to replace STORET in consultation with EPA and other involved states. (Jim)

STATUS: ***Ongoing. Database installation and data migration is currently underway. DWQ received Exchange Network Grant in the Fall of 2009 to customize the database tools. Scoping for the customization and tools development wuill occur in Early 2010.***

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

STATUS: ***Ongoing. SOPs have been drafted and are under review.***

4. Fully develop and implement a monitoring program for *E. coli* to facilitate more rigorous assessment of recreational beneficial uses (11/1/2008, Jim and Sandy

STATUS: ***Initial screening has occurred as part of the revised probabilistic and targeted monitoring strategy. Outreach and Documentation of Certification for cooperative monitoring in ongoing and DWQ is accepting data from outside providers***

5. Participate in monitoring for the National Rivers and Streams Assessment (NRSA) program (Jim ongoing)

STATUS: ***DWQ completed all monitoring activities associated with the NRSA.***

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

STATUS: ***Ongoing. Monitoring staff completed the first probabilistic monitoring survey in the Jordan River and Utah Lake Watershed's and is currently performing targeted monitoring as outlined in the Strategic Monitoring Plan.***

SPECIAL STUDIES

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

STATUS: ***Ongoing.***

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).

STATUS: ***Ongoing.***

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, LAL)

d. Investigate opportunities to more fully use video conferencing opportunities with LHDs, EPA and others (LAL).

e. Continue to utilize GroupWise for calendaring, 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)

STATUS: ***A web based feedback tool was implemented in September 2009 (see DWQ website)***

b. Continue to enhance the storm water inspection program. (John Whitehead and Mike Herkimer)

STATUS: ***We are continuing to enhance the program through training and audits to better distribute the inspection load.***

c. Actively participate , as appropriate in the Legislative Water Task Force as instream flow, water conservation and water funding issues are studied.(ongoing, John Kennington)

STATUS: ***Ongoing as needed.***

d. Develop rules for CAFO permits following EPA's promulgation of its regulations. (Don Hall)

STATUS: ***This is ongoing and rules should be developed in early 2010.***

e. Continue to effectively manage the level of federal carry-over funds. (Stacy Carroll)

f. Develop a means to retain in our files NMPs for all permits under the new EPA CAFO Rule. (Don Hall)

STATUS: ***We have developed a hard copy means as well as an electronic capability to do this.***

III STATE-BASED REGULATION OF ENVIRONMETAL PROGRAMS

DWQ

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

Measures:

a. Complete response summary and associated edits for the 2008 Integrated Report (IR) and submit to EPA by October 1, 2008. Update Assessment Data Base (ADB) and submit to EPA by October 15, 2008. The IR will include chapters the provide a statewide summary of water quality and beneficial use support for each Watershed Management Unit, maps, charts and tables. (Tom Toole/Mark Stanger)

b. Revise UPDES rules to allow stand-alone rules for AFO/CAFOs, storm water, pretreatment, biosolids, etc. (Ongoing Mike Herkimer and John Kennington)

STATUS: ***Ongoing as need arises.***

c. Establish a stakeholder group to make recommendations on revisions to R317-3 (Stakeholder group established June 20, 2007, with a revised target completion date of June 30, 2010, Ed Macauley)

d. Update TMDL rules by including recently completed and EPA approved TMDLs (Carl Adams)

STATUS: ***All EPA approved TMDLs have been incorporated into Utah's water quality standards.***

e. Continue to meet with the WQS stakeholder group to make further improvements on R317-4. (Bill Moellmer/ Jeff Ostermiller)

IV PARTNERSHIP WITH FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS

DWQ

1. Conduct outreach to assist communities with proper planning for wastewater infrastructure improvements.

   a. Revise and update the MWPP and foster increased participation. (Ongoing Paul Krauth.)

   b. Assist communities to secure funding from the Water Quality Board for high quality wastewater projects. (Ongoing, Ed Macauley.)

   c. Strengthen community education and outreach activities. (Ongoing, Ed Macauley, Shelly Andrews.)

STATUS: ***All objectives were accomplished. Paul Krauth conducted extensive outreach in the MWPP program to foster community participation. Paul is working with communities to determine which changes, if any, would most improve the MWPP. Communities closed loans with the Water Quality Board totaling over $46 million to assist in the construction of over $120 million in high quality wastewater projects. Engineering section staff attended dozens of "first contact" meetings with communities to provide guidance to them with their wastewater issues. One-half dozen of these meetings resulted in the Water Quality Board authorizing funding for wastewater facilities planning.***

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

FY 2009 – Utah 1422 UIC Annual Report

State of Utah

GARY R. HERBERT

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.

October 20, 2009

Mr. Jason Deardorff
USEPA Region VIII
Mail Code: 8P-W-GW
1595 Wynkoop Street
Denver, Colorado 80202-1129

Dear Jason:

Subject: FY 2009 – Utah 1422 UIC Annual Report

Enclosed is the Annual Report – FY 2009. If you have any questions or comments, please feel free to contact me by phone at (801) 538-9260 or by email at ccady@utah.gov.

Sincerely,

Candace C. Cady, P.G.
Environmental Scientist
1422 UIC Program, Ground Water Protection Section

CC:

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File: UIC EPA FY2009

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ADMINISTRATION:

1) EPA Region 8 / States / Tribes – Utah DWQ hosted the annual regional UIC Director's meeting on October 7 – 9 at the State Office Building.

2) Candace prepared comments for DWQ's Division Director's signature on the proposed rule for carbon sequestration wells. Comments were submitted on December 24, 2008.

3) Utah DWQ and Utah Division of Oil, Gas and Mining (DOGM) entered into discussions to determine which agency would be willing to administer the state CCGS rule once finalized. After receiving several letters from industry groups expressing support for DOGM's lead, DOGM agreed to assume oversight authority for a state CCGS rule once finalized. It was agreed that DOGM and DWQ would continue to work together to prepare recommended CCGS rules with DOGM taking a more active role in the Utah CCGS Workgroup Injection Well Subcommittee. Candace will renew the effort of preparing a strawman rule consisting of a merge between the proposed EPA rule and the IOGCC template creating the baseline from which the Utah CCGS Workgroup Injection Well Subcommittee can commence the development of the recommended state rule.

4) Candace and Bert Granberg (AGRC) have discontinued their participation on the Integrated Project Team for the National UIC Database in order to focus on populating the Utah UIC geodatabase, preparing an error free submittal to the National UIC Database, and preparing the Utah UIC data set for inclusion in the Utah Integrated GIS Map project.

5) Candace has resigned as state co-chair of the National UIC Data Management Steering Committee (DMSC) to focus on populating the Utah UIC geodatabase, preparing an error free submittal to the National UIC Database for the purpose of opting out of traditional quarterly reporting to EPA and to prepare the Utah UIC data set for inclusion in the Utah Integrated GIS Map.

6) Candace participated in NDWAC Webinar on Carbon Sequestration on November 6, 2008.

7) Candace participated in Bryan Cave CCS Conference Call on November 12.

8) Dan Hall, Woody Campbell and Candace attended the 28th Oil Shale Symposium on November 13 at The Leonardo in Salt Lake City.

9) Candace participated in AWMA Webinar on Carbon Sequestration on February 18, 2009.

10) Candace and Rob attended the kickoff meeting on April 7 and 8 for the Farnham Dome Pilot CO2 Sequestration Project in Salt Lake City and at the proposed site. This included a field trip around the San Rafael Swell where the confining and injection zone rocks are exposed. However, shortly after this meeting the Farnham Dome project was cancelled due to a failure to agree upon contractual details between the participating parties.

11) The work load of the UIC Program is ever increasing. Therefore, Dan Hall, Woody Campbell, Ed Hickey, Mark Novak, Bill Damery and Brianna Ariotti, all of the Utah

Groundwater Protection Section, have been working on various aspects of the UIC Program. Their diverse experience in ground water hydrology, petroleum and mining geology, environmental engineering, public outreach and database management greatly expands the knowledge base available to the UIC Program. Their participation in UIC projects will serve to markedly improve the implementation of the 1422 UIC Program in Utah and their willingness to do so is greatly appreciated.

12) Candace updated the Class III Solution Mining Permit Application Package in preparation for permitting the Magnum Gas Storage facility. The Class I Non-Hazardous Permit Application Package needs to be updated also in preparation for permitting the disposal of the brine generated from the solution mining of the caverns in the event Magnum decides to proceed with that disposal option.

13) Candace is working with the Utah UPDES Program also in DWQ to coordinate inspections at MS4s and industrial sites to locate storm water drainage wells and illegal industrial drainage wells. This is an ongoing process but we are convinced by sharing resources we can cover our respective programmatic mandates more efficiently and effectively.

14) Brianna Ariotti is leading the effort to contact the lead facility supervisors at all National Park Service, Bureau of Land Management, and US Forest Service sites in Utah for the purpose of identifying UIC wells and closing any industrial disposal and MVWD wells discovered. We also intend to target state parks and other state government facilities that operate and maintain vehicle fleets.

After receiving approval from Jay Boisseau in the NPS Environmental Management Division in Denver to work directly with the NPS parks in Utah, Brianna sent Request for Information (RFI) forms to all the NPS park supervisors. The NPS has been very cooperative and we have begun to receive returned responses indicating the existence of MVWD wells at some sites. We will be working with each NPS park during FY2010 to bring each facility back into compliance with the UIC rules. We encourage EPA Region 8 to contact Mr. Boisseau to recognize and thank him for fostering an atmosphere of cooperation with Utah state agencies amongst the NPS park supervisors in Utah. Candace called Jay to thank him on behalf of Utah DWQ, UIC Program for the spirit of cooperation in the NPS. Jay Boisseau's contact information follows: Phone: 303-969-2671; Email: Jay_Boisseau@nps.gov

TRAINING:

1) Woodrow Campbell attended the National Ground Water Association short course entitled ***Artificial Recharge of Ground Water*** on December 1 to 4, 2008 in Las Vegas, Nevada.

2) Candace attended **Environmental Criminal Enforcement Training** on May 7 lead by Paul McConkie of the Utah Attorney General's Office and Ted Owens, Special Agent for EPA's Criminal Investigation Division in Salt Lake City.

3) Candace and Woody participated, via webinar, in a workshop hosted by EPA Region 8 covering pressure fall off testing, hydraulic fracturing, step rate testing, calculation of maximum allowable surface injection pressure (MASIP), temperature and radioactive

tracer logs, and aquifer exemptions for In-situ Leach Mining operations. The workshop was held on September 28 – 30, 2009.

PROJECT EVALUATIONS & INVESTIGATIONS:

1) **Draper Irrigation Company** - Met with Draper Irrigation Company to discuss a proposed ASR project on October 2, 2008. They are currently conducting a pilot test in an existing drinking water production well to determine injection and recovery capacity. The injectate for the pilot test, and for the full scale operation, will be drinking water quality. The pilot test was authorized-by-rule due to the high quality of the injected water, the short duration of the test, and the low volume of injected water.

2) **Magnum Gas Storage, LLC –** Candace participated in conference calls with prospective operator, Federal Energy Regulatory Commission (FERC), the BLM, and several consultants for a project involving the solution mining of 8 caverns.

The following project description is from the project's website. "The Western Energy Hub (WEH) project is a salt cavern natural gas storage facility located in Millard County, Utah. Magnum Gas Storage, LLC (MGS), a limited liability company wholly owned by Magnum Development, LLC, was formed for the special purposes of developing, constructing, and operating an interstate natural gas storage facility and natural gas lateral pipeline connection. The storage project will make use of up to eight (8) man-made salt caverns developed at an approximately 2,150-acre site north of Delta, Utah near the Intermountain Power Project (IPP) electrical generation facility. Natural gas will be stored in caverns 1,300 to 1,400 feet tall and 300-feet in diameter located 3,500 to 4,000 feet below the ground surface. The stored natural gas can be quickly released to market areas when it is needed. The natural gas storage project will include a natural gas lateral pipeline connection to nearby interstate pipelines."

Candace and Woody have been meeting regularly with representatives of Magnum; FERC; and Hansen, Allen, and Luce, LLC, Magnum's consultant for the preparation of the UIC Class III permit application, to provide comments on the preliminary Class III permit application. Once the NEPA EA has been issued, DWQ will have a limited window within which to issue the Class III permit.

3) **Mountain Regional Special Service District** – Staff from DWQ and DDW met with Mountain Regional to discuss a proposed Aquifer Storage and Recovery project. Candace prepared an ASR-specific UIC Class V permit application package. Mountain Regional is currently preparing the permit application.

4) **Pinnacle Potash International, Ltd of Austin, TX –** Candace and Woody held a conference call with Pinnacle to discuss a new potash solution mining operation in Grand County. Since this initial contact, we have heard nothing about this proposed venture.

5) UIC Program staff continue to receive and process numerous inventory information forms for wells that are authorized-by-rule (ABR). The information is entered into our new geodatabase and ABR letters are sent out detailing owner/operator responsibilities for operating a UIC-regulated well.

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PERMITS:

Class V

Farnham Dome Pilot CO_2 Sequestration Project – An unofficial version of the Class V Experimental Technology permit application was received in March. However, shortly after the April 7 and 8 kickoff meeting for the Farnham Dome project, it was cancelled due to a failure to agree upon contractual details between the participating parties.

INSPECTIONS:

Class III

Intrepid Potash – Woodrow Campbell has been providing the regulatory oversight for the potash solution mining facility at Intrepid Potash.

Class V

Shepard and Son Egg Farm - Candace and Woody conducted an inspection of the facility on June 16 following reports that they are discharging egg processing wastewater into a septic system. This is a violation. Woody issued a construction permit for a wastewater lagoon to replace the septic system on September 14. The owner expects to have the wastewater lagoon complete by mid-November at which time the onsite system will be closed. 1 well

Golden Spike National Historic Site - Candace and Brianna conducted an inspection of the site following receipt of a UIC inventory form indicating the presence of a MVWD well. The inspection confirmed the existence of the banned injection well. We are working with the NPS park superintendent to bring the facility back into compliance. 1 well

Dreyers Grand Ice Cream – Candace and Brianna conducted an inspection of the site to verify the locations and types of Class V injection wells. 6 wells

No Well Facility Inspections

Steel Coatings, Inc - 410 South 2650 West, Salt Lake City, Utah – UIC staff participated in a multi-media inspection with staff from DWQ Stormwater and DSHW RCRA programs. Initially, two sumps were of concern for the UIC Program but upon further inspection these were found to be operating as junction boxes with ultimate outfall to the nearby Salt Lake City ditch. Further action is being taken by the Utah UPDES and RCRA Programs.

PUBLIC OUTREACH:

1) Candace is working with Dave Snyder, environmental scientist with DWQ, and the local environmental health directors to integrate the Utah 1422 UIC Program with Utah's onsite wastewater disposal regulations – R317-4 – Onsite Wastewater Systems and R317-5 – Large Underground Wastewater Disposal Systems. Met with the Council of Onsite Wastewater Professionals (COWP) at the Salt Lake Valley Health Department on December 17 to discuss crossover issues.

2) Prepared a presentation entitled ***Using Geothermal Energy in Utah – Environmental Regulation of Geothermal (Ground-Source) Heat Pumps (GHP)*** for the Water Quality Alliance Meeting on April 8. The presentation was prepared by Candace and presented by Bill Damery.

3) Candace attended a BLM Water Systems Training in Moab on April 24 lead by Ken Morin, the BLM CASHE Program Lead in the National Operations Center. Trent Duncan of the Utah BLM State Office, Division of Support Services was also in attendance. Candace indicated the BLM field office should work with the DWQ UIC Program in identifying any MVWD wells or other UIC wells at their field offices.

4) Candace participated on a panel entitled ***Renewable Energy: Visions and Regulatory Considerations for Successful Implementation*** at the Geothermal Heat Pump Workshop at the Salt Lake City Main Library on April 29 and 30. As a follow up to this meeting, Candace is working with Jim Goddard of Utah's Division of Water Rights to more effectively integrate the UIC oversight of open loop geothermal heat pump wells and direct-use geothermal wells with the administrative rules for Water Well Drillers (UAC R655-4) and other associated regulations.

5) Candace met with the Weber County Storm Water Coalition in West Haven City on September 10 to discuss the recent inclusion in the MS4 annual reporting requirements of inventorying storm water drainage wells as outfalls.

6) Candace made a presentation entitled ***Integrated Storm Water Regulation in Utah*** at the Ground Water Protection Council's Annual Forum in Salt Lake City on 16 September 2009. In this presentation Candace made the case for linking the UPDES Stormwater requirements to UIC Storm Water Drainage Wells to ensure the protection of both surface water and groundwater from pollution impacts from storm water discharges.

DATA MANAGEMENT:

1) UIC staff continues to enter UIC data for all permitted facilities and all facilities authorized-by-rule back to January 2003. We have committed to EPA HQ, through our involvement on the Integrated Project Team for the Development of the National UIC Database, to have all data supporting our FY2007 7520s and PAMs entered into the database so that HQ can perform QA/QC tests of our submission. Our goal is to have all UIC post-January 2003 data entered so that we can transition out of traditional 7520s and PAMs reporting. Inventory reporting will continue via the traditional method until we feel comfortable that we have captured the majority of the pre-January 2003 inventory. We are working closely with Carl Reevert and Trang Le of EPA Headquarters and Valois Shea of EPA Region 8 as we continue to submit periodically to the national database.

UIC PROGRAM REPORTING FORMS:

1) The Annual 7520 reporting forms are included in **Attachment I.**

2) The Annual Program Activity Measures (PAMs) are included in **Attachment II**.

Attachment I

7520s Reporting Forms

7520-1 Narrative

V Permit Application – Number of Permit Applications Received

Class III – 1 Class III Area Permit Application for Magnum Gas Storage, LLC north of Delta, Utah. Although the official permit application has not yet been received by DWQ for review and therefore is not recorded on this form, we have been meeting periodically with Magnum and their subcontractors to review and comment on preliminary submittals of various parts of the permit application. This is being done to ensure that they are traveling down the right path in the preparation of the permit application.

VI Permit Determination

A Number of Individual Permits Issued

B Number of Area Permits Issued

Class III - 1 Class III Area Permit Renewal and Modification for Intrepid Potash-Moab (formerly Moab Salt) issued on May 4, 2009. This permit will expire on May 4, 2014.

C Number of Wells in Area Permits – 12 active Class III wells covered by Intrepid Potash – Moab permit.

D Permit Not Issued – Number of Permits Denied/Withdrawn

E Modification Issued – Number of Major Permit Modifications Approved

VII Permit File Review – Number of Rule-Authorized Class II Wells Reviewed

VIII Area of Review

A Wells Reviewed - Number of Wells in Area of Review

B Wells Identified for CA - Number of Wells Identified for Corrective Action (CA)

C Wells with CA

1 Number of Wells in AOR with Casing Repaired/Re-cemented CA

2 Number of Active Wells in AOR Plugged/Abandoned

3 Number of Abandoned Wells in AOR Re-plugged

4 Number of Wells in AOR with "Other" Corrective Action

IX Remarks

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7520-2A

7520-2A Narrative

V Summary of Violations

A Total Wells – Number of Wells with Violations See details in V B below.

Class IV – 1 Wells
Class V – 2 Wells

B Total Violations

1 Number of Unauthorized Injection Violations

Class IV – 1 - Heritage Restoration, Inc; Kaysville, Utah

Class V – 2 – Shepard Egg and Poultry Farm and Golden Spike National Historic Site

2 Number of Mechanical Integrity Violations

3 Number of Operation and Maintenance Violations

4 Number of Plugging and Abandonment Violations

5 Number of Monitoring and Reporting Violations

Class III -1 – Intrepid Potash-Moab did not submit their permit renewal application prior to 180 days before the existing permit was due to expire.

6 Number of Other Violations (Specify)

VI Summary of Enforcement

A Total Wells – Number of Wells with Enforcement Actions

B Total Enforcement Actions

1 Number of Notices of Violations

2 Number of Consent Agreements

3 Number of Administrative Orders

4 Number of Civil Referrals

5 Number of Criminal Referrals

Class IV – 1 – Heritage Restoration, Inc. Ted Owens (EPA Special Agent) contacted DWQ informing us that there was an indictment taken against Jay Bert Atwater and Heritage Restoration, Inc., by the United States of America. The indictment states Mr. Atwater owned and operated Heritage Restoration Inc. which is a furniture restoration business located in Kaysville, Utah. A solution of methylene chloride (MC) at 70 - 76% was used to strip the existing paint off of furniture. MC is a hazardous waste once discarded at 10%. After stripping the furniture with MC the furniture was rinsed with water. The rinse water ran into a depression on the shop floor, from there it was pumped into a series of buckets which emptied into a hole attached to a pipe. The pipe emptied into the sub-surface soil this discharge disposal took place from 2000 through about April of 2007. In April of 2007 the rinse water was collected and evaporated. Any water that was not evaporated was discharged down the sink to Central Davis Sewer District (CDSD).

Count I is a violation of underground injection program (UICP) for discharging without

a permit from the State of Utah from January 2001 to April of 2007.

Count II is a violation of "cradle to grave" disposal of a listed hazardous waste without a permit from the State of Utah, for discharging a solution containing more than ten percent of MC.

Count III is a violation of the specific prohibitions of the pretreatment regulations for discharges to CDSD from April 2007 to August 31, 2007, that resulted in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health of safety problems.

Jay Atwater plead guilty to a RCRA felony and was sentenced on February 17, 2009.

Utah Division of Solid and Hazardous Waste is involved in the clean up of the site.

6 Number of Well Shut-Ins

7 Number of Pipeline Severances

8 Number of Other Enforcement Actions (Specify)

Class III – 1 – During permit renewal and modification negotiations; Intrepid Potash-Moab was informed that failure to submit a permit application at least 180 days before permit expiration was a violation of their permit. To prevent this from happening again we have developed a Reporting and Notification Requirements table as a permit attachment.

Class V – 2 – Shepherd Egg is working cooperatively with DWQ to discontinue their unauthorized injection of egg processing waste into a septic system. It will discontinue completely once their wastewater lagoon is finished in November. Golden Spike is also working cooperatively with DWQ to improve house keeping practices and to implement regularly scheduled cleanouts of the oil interceptor so that they can meet MCLs as a permit requirement for a Class V well.

VII Summary of Compliance – Number of Wells Returned to Compliance

A This Quarter

B This Year

VIII Contamination – Number of Cases of Alleged Contamination of a USDW

IX MIT Resolved – Percent of MIT Violations Resolved in 90 Days

X Remarks

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7520-2B

7520-2B Narrative

V Summary of Significant Non-Compliance (SNC)

A Total Wells – Number of Wells with SNC Violations

Class IV - ?

B Total SNC Violations

1 Number of Unauthorized Injection SNC Violations

Class IV – 1 – Heritage Restoration, Inc.; Kaysville, Utah

2 Number of Mechanical Integrity SNC Violations

3 Number of Injection Pressure SNC Violations

4 Number of Plugging and Abandonment SNC Violations

5 Number of SNC Violations of Formal Orders

6 Number of Falsification SNC Violations

7 Number of Other SNC Violations (Specify)

VI Summary of Enforcement Against SNC

A Total Wells – Number of Wells with Enforcement Actions Against SNC

Class IV –

B Total Enforcement Actions Against SNC

1 Number of Notices of Violations

2 Number of Consent Agreements/Orders

3 Number of Administrative Orders

4 Number of Civil Referrals

5 Number of Criminal Referrals

Class IV – 1 – Heritage Restoration, Inc. Ted Owens (EPA Special Agent) contacted DWQ informing us that there was an indictment taken against Jay Bert Atwater and Heritage Restoration, INC, by the United States of America. The indictment states Mr. Atwater owned and operated Heritage Restoration Inc. which is a furniture restoration business located in Kaysville, Utah. A solution of methylene chloride (MC) at 70 - 76% was used to strip the existing paint off of furniture. MC is a hazardous waste once discarded at 10%. After stripping the furniture with MC the furniture was rinsed with water. The rinse water ran into a depression on the shop floor, from there it was pumped into a series of buckets which emptied into a hole attached to a pipe. The pipe emptied into the sub-surface soil this discharge disposal took place from 2000 through about April of 2007. In April of 2007 the rinse water was collected and evaporated. Any water that was not evaporated was discharged down the sink to Central Davis Sewer District (CDSD).

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Jay Atwater pleaded guilty to a RCRA felony and was sentenced on February 17, 2009.

Utah Division of Solid and Hazardous Waste is the lead agency in the clean up of the site.

6 Number of Well Shut-Ins

7 Number of Pipeline Severances

8 Number of Other Enforcement Actions Against SNC Violations (Specify)

VII Summary of Compliance – Number of Wells in SNC Returned to Compliance

A This Quarter

B This Year

Class IV – 1 – Heritage Restoration, Inc; Kaysville, Utah

VIII Contamination – Number of Cases of Alleged Contamination of a USDW

Class IV – 1 – Heritage Restoration, Inc; Kaysville, Utah

IX Well Closure – Class IV/Endangering Class V Well Closures

Involuntary Closure

Class IV – 1 – Heritage Restoration, Inc; Kaysville, Utah

Voluntary Closure

X Remarks

2009 Annual 7520-3

7520-3 Narrative

V Summary of Inspections

A Total Wells – Number of Wells Inspected – See details in V B below.

Class III – Two (2)

Class V – Eleven (11)

B Total Inspections

1 Number of Mechanical Integrity Tests (MIT) Witnessed

Class III - Two (2) Intrepid Potash potash solution mining wells. Casing pressure tests after completion of well construction. Wells IM-34 and IM-36.

2 Number of Emergency Response or Complaint Response Inspections

Class V – 2 – Steel Coatings, Inc – no injection wells; Shepherd Egg and Poultry – 1 well

3 Number of Well Constructions Witnessed

Class III - Two (2) Intrepid Potash potash solution mining wells. Wells IM-34 and IM-36.

4 Number of Pluggings Witnessed

5 Number of Routine/Periodic Inspections

Class V – Brigham City Aquifer Storage and Recovery Project – 3 wells; Dreyers Grand Ice Cream – 6 wells; Golden Spike National Historic Site – 1 well

VI Summary of Mechanical Integrity (MI)

A Number of Wells Tested/Evaluated for MI

Class III – Eight (8) potash solution mining wells at Intrepid Potash.

B Number of Rule-Authorized Wells Tested/Evaluated for MI

C For Significant Leak

1 Number of Annulus Pressure Monitoring Record Evaluations

2 Number of Casing/Tubing Pressure Tests

Class III – Intrepid Potash – Moab - 28 Standard Annulus Pressure Tests (SAPT) are conducted monthly on four wells at Intrepid Potash for a total of 24; Casing Pressure Tests after construction of 4 wells - 4

3 Number of Monitoring Record Evaluations

4 Number of Other Significant Leak Tests/Evaluations (Specify)

D For Fluid Migration

1 Number of Cement Record Evaluations

2 Number of Temperature/Noise Log Tests

3 Number of Radioactive Tracer/Cement Bond Log Tests

Class III – Intrepid Potash – Moab - 4 Cement Bond Logs

4 Number of Other Fluid Migration Tests/Evaluations (Specify)

VII Summary of Remedial Action

A Total Wells – Number of Wells with Remedial Action

B Total Remedial Actions

1 Number of Casing Repaired/Squeeze Cement Remedial Actions

2 Number of Tubing/Packer Remedial Actions

3 Number of Plugging/Abandonment Remedial Actions

4 Number of Other Remedial Actions (Specify)

VIII Remark

2009 Annual 7520-4

Attachment II

Program Activity Measures (PAMs)

2009 Annual PAM
Data

Attachment III

2009 Municipal Wastewater Planning Program Questionaire

	Facility	SSO questionnaire	MWPP 2008	SSO FY 2008	Notes regarding SSO	Other notes
1	Alpine City		1	0		
2	Alta, Town of		1	0		
3	Altamont, Town of		1	0		
4	American Fork		1	0		
5	Ash Creek Special SD		1	0		
6	Ashley Valley SMB		1	0		
7	Ashley Valley Water and SID	1	1	3	equipment failure	1 event due to equipment others all 3 events into basements
8	Aurora, City of					
9	Ballard Town		1	0		
10	Bear Lake SSD		1	0		
11	Bear River City					
12	Beaver City					
13	Blanding City					
14	Bountiful, City of					
15	Brain Head, Town of					
16	Brigham City		1	0		
17	Castle Dale	1		0		
18	Cedar City					
19	Cedar Hills		1	0		
20	Centerfield Town					
21	Central Davis County SD	1	1	2	Basement back up	
22	Central Valley WRF		1	0		
23	Central Weber		1	0		
24	Clearfield City		1			
25	Clinton City					
26	Coalville City		1	0		
27	Corinne City		1	0		

28	Cottonwood ID		1	0		
29	Delta City					
30	Duchesne, City of		1	1	Basement back up	
31	Dutch John					
32	Eagle Mountain, Town of					
33	East Carbon City					
34	Elk Ridge Town		1	0		
35	Enoch City		1	1	Basement back up	
36	Enterprise, City of					
37	Ephraim City					
38	Escalante City		1	0		
39	Eureka City					
40	Farr West City		1	0		
41	Fillmore		1	0		
42	Fountain Green City		1	0		
43	Francis Town					
44	Fruit Heights City					
45	Garland City		1	0		
46	Grand Water & Sewer Service Agency					
47	Granger-Hunter ID		1	2	equipment failure	2 events into basements
48	Grantsville City		1	0		
49	Green River, City of					
50	Gunnison City					
51	Hanksville SSD					
52	Harrisville City					
53	Heber City					
54	Heber Valley SSD		1	0		
55	Helper City					
56	Henefer					
57	Highland City					
58	Hildale City					
59	Hinckley Town					
60	Huntington Lagoons	1		0		
61	Hyde Park City		1	0		
62	Hyrum					
63	Ivins City		1	0		
64	Jordanelle Special Service District					
65	Kamas City		1	1	equipment failure	
66	Kanab, City of		1	2	equipment failure	2 events into basements
67	Kearns ID		1	0		
68	Lake Point ID		1	0		
69	Layton		1	0		
70	Lehi		1	0		
71	Lewiston City					

72	Lindon City		1	0		
73	Logan City		1	7	Basement back up	
74	Long Valley Sewer Improvement District					
75	Magna Water Co Improvement District	1	1	0		
76	Manila, Town of					
77	Manti City		1	0		
78	Mantua, Town of					
79	Mapleton City					
80	Measar WID		1	0		
81	Midvale		1	0		
82	Midvalley ID					
83	Midway SD		1	0		
84	Milford, City of		1	0		
85	Minersville Town		1	0		
86	Moab, City of					
87	Monticello, City of					
88	Morgan City		1	1	Basement back up	
89	Moroni City		1	0		
90	Mountain Green Sewer ID		1	0		
91	Mt. Pleasant City		1	1	Basement back up	grease
92	Murray City					
93	Myton City					
94	Neola W&SD					
95	Nephi City		1	1	Basement back up	
96	Nibley City					
97	North Davis SD		1	0		
98	North Logan City					
99	North Ogden City					
100	North Village SSD					
101	Oakley City					
102	Ogden City					
103	Orem, City of					
104	Panguitch City					
105	Parowan City					
106	Payson City		1	2	equipment failure	2 events into basements
107	Perry City		1	1	Basement back up	
108	Plain City	1		0		
109	Pleasant Grove City		1	0		
110	Pleasant View City		1	0		
111	Price City					
112	Price River Water ID		1	3	Basement back up	2 events equipment failure,
113	Providence City		1	0		
114	Provo, City of		1	5	Basement back up	

115	Redmond Town		1	0		
116	Richfield City		1	0		
117	Richmond City		1	0		
118	River Heights City		1	0		
119	Riverdale City		1	1	Basement back up	
120	Roosevelt City		1	3	equipment failure	3 events into basements
121	Roy City					
122	Saint George, City of					
123	Salem City					
124	Salina City		1	0		
125	Salt Lake City		1	10	Basement back up	6 roots, 2 construction debris, 1 grease, 1 grease and roots
126	Salt Lake City SSD #1					
127	Salt Lake City SSD #2					
128	Salt Lake County SA #3					
129	San Juan Special Service District #1					
130	Sandy SID		1	0		
131	Santa Clara, City of		1	0		
132	Santaquin City		1	2	due to weather	2 events into basements
133	Saratoga Springs		1	0		
134	Scofield Town					
135	Smithfield City		1	1	due to weather	1 event into basement
136	Snyderville Basin WRF		1	0		
137	Solitude Improvement District		1	0		
138	South Davis SD	1	1	0		
139	South Odgen City		1	0		
140	South Salt Lake		1	1	Basement back up	
141	South Valley Sewer District		1	0		
142	South Valley Water Reclamation Facility		1	3	Basement back up	
143	South Weber City					
144	Spanish Fork City		1	4	equipment failure	4 events into basements
145	Spanish Valley Water & SID					
146	Spring City		1	0		
147	Springdale, Town of					
148	Springville City					
149	Standsbury Park ID					
150	Strawberry Lake View SSD					
151	Sunnyside, City of		1	0		
152	Sunset City					
153	Syracuse City					
154	Tabiona, Town of		1	0		

155	Taylorsville-Bennion ID		1	0		
156	Timpanogos SSD					
157	Tooele City		1	11	equipment failure	7 events into basements
158	Tremonton City		1	4	equipment failure	4 events into basements
159	Tropic, Town of					
160	Twin Creeks Special Service District					
161	Uintah Highlands ID		1	0		
162	Vernal City					
163	Washington City		1	0		
164	Washington Terrace, City of					
165	Weber County					
166	Weber County ISA #1					
167	Wellington City		1	0		
168	Wellsville City		1	0		
169	Wendover, City of		1	0		
170	West Jordan City					
171	West Point City					
172	Wolf Creek Sewer Improvement District					
	TOTALS		91			
			52.91%			
	Information that is new or that has changed this year regarding maintenace program and emergency response plans					