

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY  
FY 2010 GOALS**

**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"

**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 (FY 2010 EOY Report Edith)(WQ-12)
  - (b) have expired individual permits (FY 2010 EOY Report )
  - (c) have applied for, but have not yet been issued an individual permit FY 2010 EOY Report Mike Herkimer or John Kennington)

- (d) have individual permits under administrative or judicial appeal (FY 2010 EOY Report Mike Herkimer or John Kennington)
- 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%. (FY 2010 EOY Report) Mike Herkimer or John Kennington)
- 3. Semiannually indicate the 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. (March 31, 2010 and September 30, 2010) Mike H)
  - a. Number that are covered by each current storm water general permit (e.g., industrial, construction, MS4) (March 31, 2010 and September 30, 2010) Mike H) **(WQ-13)**
  - b. Number that are covered by current individual storm water permits (e.g., Phase I MS4s) (March 31, 2010 and September 30, 2010) Mike H)**(WQ-13)**
- 4. Continue to implement the Storm Water Phase II Regulations. (Ongoing Mike H)
- 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.).
  - b. Include EPA in the review process prior to issuing general permits for storm water discharges.
  - c. Track storm water general permit coverage and provide data to EPA on regulated agencies consistent with National efforts for data management (PCS/ICIS).
- 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,
  - 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)
  - c. The number of categorical industrial users (CIUs) that have adequate control mechanisms implementing applicable pretreatment standards and requirements in approved pretreatment programs. ( Jen and Edith)

7.
  - a. Perform inspections on 40% of all approved pretreatment programs
  - b. Perform audits on 20% of all approved pretreatment programs. (Ongoing Jen)
  - c. Provide EPA with the number and percent of local Pretreatment programs that have implemented Pretreatment Streamlining Regulations. (FY 2010 EOY Report Jen)
  - d. Provide the number of categorical industrial users (CIUs) in non-approved pretreatment programs (FY 10 EOY Report, Jen)
  - e. Provide the number of CIUs in non-approved pretreatment programs permitted by the State. (FY 10 EOY Report, Jen)
  
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)
  - b. For all permitted CAFOs if available, enter permit facility data, permit event data, and inspection data into ICIS. (Ongoing, Don)
  - c. Inform EPA of animal feeding operations that are impacting water quality annually (FY 2010 EOY Report, Don).
  - d. Conduct meetings of the AFO/CAFO committee and maintain critical partnerships with NRCS, UACD, the Farm Bureau and the agricultural community.
  - e. EPA will provide CAFO rule development updates, to keep DWQ informed. (Ongoing, Don)
  
9. Implement the Sewage Sludge (Biosolids) regulations
  - a. % and # of UPDES permits that contain biosolids language. (FY 2010 EOY Report Mark)
  - b. Maintain data in the ICIS database.

### **UPDES Compliance and Enforcement Activities**

1. Ensure maintenance of information management systems sufficient to plan, track, assess, and make adjustments to program activities.
  - a. Properly enter data into the ICS data system such that the federally required data fields are current. (Ongoing, Edith)

- b. 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. ICIS data is entered accurately which includes permitting, compliance, and enforcement data.
  - 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)
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, to the extent possible, 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 FY11 by September 1, 2010, and final inspection plan by October 1, 2010 or within 15 of days of receiving EPA's formal comments on the draft plan if EPA comments are received later than September 15, 2010. (Lonnie)
  - b. Track inspections in ICIS. (Ongoing Lonnie, Jeff)
  - c. DWQ will conduct the following number of inspections during FY10  
Majors----16 CEIs (about half of total majors)  
Minors----16 CEIs (during permit renewals)  
42 RI or other inspections will be performed at minor facilities in FY10 (24 Ind., 18 Munic.).  
Pretreatment (Audits and PCIs)----12
  - d. EPA Region 8 may conduct up to 6 joint/oversight inspections with DWQ in FY10.
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)

- b. Continue to inventory (ask questions of) permittees for SSO occurrences and resolutions through the Municipal Wastewater Planning Program (MWPP) questionnaire.
- c. Submit to EPA Region 8 a report by October 15, 2009 that will include:
  - i. Number of UPDES inspections at major facilities where SSO information was received. (Jen)
  - ii. An updated SSO inventory and the causes of the SSOs. (Jen)
  - iii. The number and percent of SSO inspections in priority watersheds (as defined by the State) including the name of the priority watershed.
  - iv. The number and type of informal and formal enforcement actions taken in response to SSOs;
  - v. The percent of enforcement actions in priority watersheds (as defined by the State) for SSO; and
  - vi. A description of how 20% of the SSO's, that were reported, were addressed.
- 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)
- 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. (FY 10 EOY Report, Jen).
- f. DWQ will coordinate with EPA Region 8 to conduct SSO evaluations of 2 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 5-31-10 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 5-30-10. The DWQ will keep EPA informed regarding the development of the Utah Collection System Management Program.

## 5. Storm Water

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

Construction Phase I	56	(10% of NOI as of July 2009)
Construction Phase II	26	(5% of NOI as of July 2009)
Industrial	41	(10% of NOI as of July 2009)

All inspections will be entered into ICIS and copies of inspection 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 FY10 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).
  - c. 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.
  - d. 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 the issuance of EPA Region 8's final storm water ERG.
  - e. DWQ agrees to inspect all new sites, as we become aware of them, 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.
  - f. DWQ will provide EPA via a copy of Utah's current storm water database on 3-31-10, and 9-30-10 either electronically or on CD-rom.
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)
  - 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)

- c. Utah will submit as part of their EOY 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 FY10, and a list of any formal enforcement actions which included WET violations, (Jeff).
7. Biosolids-Promote the beneficial use of biosolids
- a. Continue to conduct Biosolids inspections. The goal will be to conduct inspections on 20 % of Utah's biosolids-only permittees annually (15 sites). In the End-of-Year Report, include the number of Biosolids inspections actually conducted. (Ongoing Mark)
  - b. Reissue all biosolids permits which will expire in FY2010 and transition into consolidated permits as needed. (Ongoing Mark)
  - c. Submit an End-of-Year report to EPA for the preceding calendar year (4/1/2010, Mark S.)
8. Enforcement Agreement.
- a. DWQ will revise the State/EPA Enforcement Agreement if needed and warranted. (9/30/09, John Whitehead).
  - b. EPA will conduct quarterly conference calls with DWQ to discuss the Quarterly Noncompliance Report for major and minor facilities and current and projected enforcement cases to address concerns early in the process.
  - c. 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.
  - d. DWQ will take timely and appropriate enforcement against facilities in Significant Non-compliance.
  - 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 and with appropriately notify DWQ when it conducts 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.
  - 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.
  - 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 ( Mike Herkimer).
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 28<sup>th</sup> of each year. A New Draft Strategy should be signed in FY10 and will include inspections of medium AFOs that have potential to discharge to waters of the State.
  - b. Maintain an inventory of all permitted CAFOs during FY2010
  - c. Inspect at least 20% of the permitted CAFOs during FY2010. (this will include, at a minimum, inspection of each permitted CAFO at least once during the life of its 5 year permit period)
  - d. Inspect at least 20% of any unpermitted large CAFOs only to determine if they are discharging (each unpermitted large CAFO will be inspected during the next 5 years)
  - 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 Region 8).
  - f. Include in the End-of-Year report for FY2010 (Don):
    - i. Total known number of permitted CAFOs in Utah.
    - ii. Total known number of permitted CAFOs in priority watersheds.

- iii. Names and HUC codes for priority watersheds in the state.
  - iv. Numbers and percent of permitted CAFOs inspected.
  - v. Number of CAFOs that are determined to be discharging to waters of the State.
  - vi. Numbers and percent of total permitted CAFOs inspected in priority watersheds.
  - 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
  - viii. Number of compliance assistance workshops, training sessions, and/or presentations given for AFO/CAFO operators and/or Ag organizations.
  - ix. After rule revision and issuance of the next CAFO permit, Nutrient Management Plans for CAFOs shall be tracked in ICIS.
  - x. For unpermitted CAFOs the number of complaints received.
- g. EPA may conduct up to two joint oversight CAFO inspections during FY 10. 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.)
10. Report to EPA in the End Of Year Report the number of the following types of inspections:
- a. Majors (Lonnie, Jeff)
  - b. Minors (Lonnie, Jeff)
  - c. Storm Water (Mike G., Harry and Rhonda)
  - d. CAFOs (Don)
  - e. Biosolids (Mark)
  - f. SSOs (Jen)
  - g. Pretreatment (Jen)

EPA will determine the number of inspections conducted at midyear (March 31, 2010) by DWQ in each category above by pulling this information from ICIS. Any inspections, performed on or before March 31, 2010, but which do not appear in ICIS by April 15, 2010, will not be counted in the midyear numbers.

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

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

a. NOV's 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 calendar day period the State will proceed to culmination of the enforcement action. (Ongoing DWQ Staff)

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

d. Study and revise as appropriate DWQ's penalty policy associated with enforcement actions. (FY 2010 EOY Report, John Kennington.)

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 FY10, EPA Region 8 may perform inspections at all Federal Facility construction sites that have been awarded contract dollars for site construction, in cooperation with DWQ inspectors.

15. 404 Enforcement Actions

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

## UPDES PERMITS

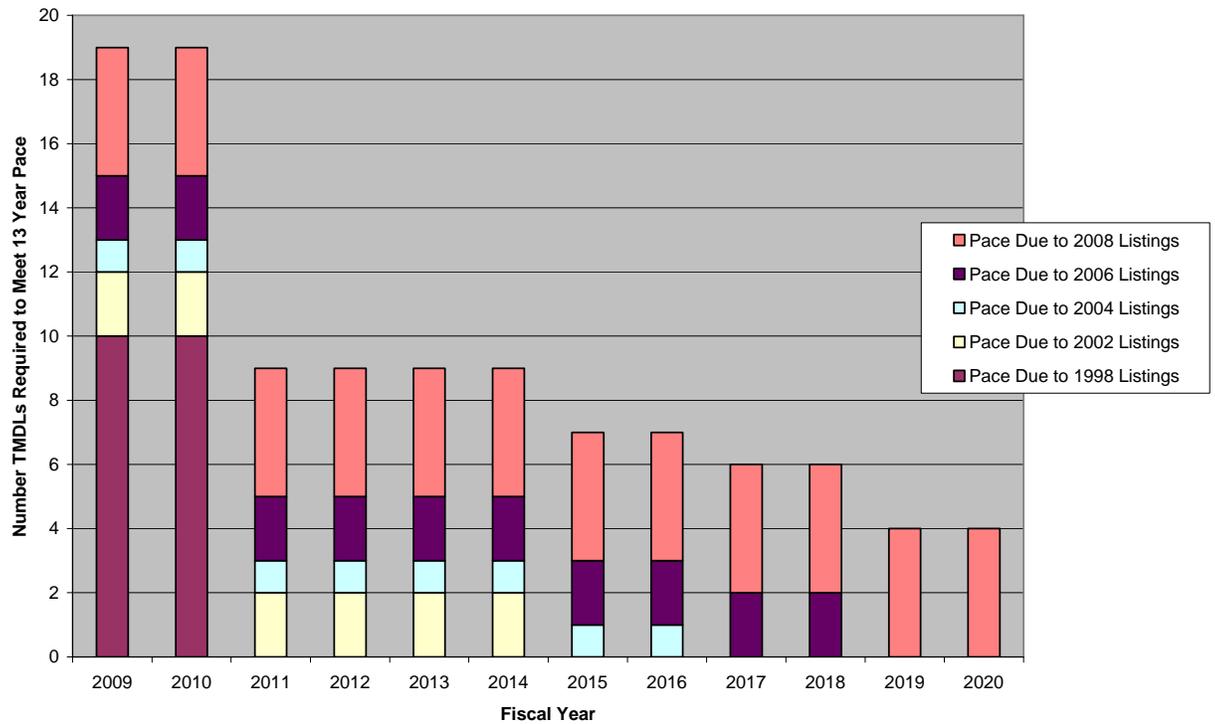
1. Implement the Phase II Stormwater Program.
  - a. Continue outreach/education activities. (Ongoing)
  - b. Encourage DWQ staff, District Engineers and municipal and county staff to assist with inspections as allowed by time and resource constraints. (Mike H, Ongoing)
  - c. In FY10, DWQ will conduct one Phase I MS4 audit.
  - d. In FY10, DWQ will continue to implement their audit and inspection plan for Phase II MS4s to ensure that compliance determinations for these programs are completed within the next 6 years. The audit and inspection plan was submitted to EPA Region 8 for review and comment on or before March 31, 2009. The DWQ is waiting for EPA's comments. This plan is subject to change as agreed to by EPA and DWQ.
2. Implement the Utah AFO/CAFO strategy.
  - a. Implement the new EPA CAFO rules in Utah within one year of issuance of final EPA CAFO rule, (Don).
  - b. Issue a new CAFO UPDES permit within six months of promulgation of State rules, (Don).

## 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)**

According to the current pace to complete TMDLs within their allotted time frame of 13 years since first listing, an average of 19 TMDLs will need to be completed by 2010. The Division anticipates completing 5 waterbody/pollutant combination TMDLs by the end of FY 2010. The necessity for completing fewer than 19 TMDLs is due to the large resource constraint associated with completing the large and complex TMDL study for the Jordan River that includes 10 waterbody/pollutant combinations.

Utah's Calculated TMDL Pace



- b. Incorporate into rule by reference all TMDLs approved by EPA within 120 days after notification. (Ongoing Carl Adams)
- 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)
- 3. Determine the number of waterbodies on the 2002 303(d) list that have EPA approved TMDL, 4b, or 5m documents (**WQ-21**).
- 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).
- 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.
- 6. 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.
- b. Update GRTS annually by entering annual progress report information according to January 1<sup>st</sup> deadlines. (NPS Plan Task 33)
- c. Submit NPS Annual Report by January 31 of each year. (NPS Plan Task 34)
- d. Complete the Abandoned Mine component to the state's NPS Management Plan and submit to EPA for review by March 31, 2010.
- e. Participate with UDWR through its Blue Ribbon Fishery and Habitat Council programs in the acquisition/protection of stream corridors.
- f. Report non-319 funding in watershed protection and restoration projects in project annual and final reports. (NPS Plan Task 34)
- g. Obtain 319 project final reports from project sponsors and coordinate with EPA to obtain concurrence for grant closure in a timely manner. DWQ will work with EPA to close the FY-01 thru FY-04 NPS Grants in the early part of Federal Fiscal Year 2010.
- h. 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), project final reports and NPS Program annual report. (NPS Plan Tasks 2, 6, 36 & 40, **WQ9**)
- i. 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**)
- j. 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-2010 is 2 watersheds (East Fork Sevier River and Fremont River). (**WQ10**)
- k. Report the number of developed Watershed Plans and identify those in progress. (NPS Plan Task 4)
- l. Report the number of watershed steering and (or) technical advisory committees formed and functioning during past year. (NPS Plan Tasks 9 & 10)

- m. Report the number of priority NPS watershed areas where EQIP funds are used to implement conservation projects. Report allocation of EQIP funds to 303(d) waters and approved TMDL watersheds. (NPS Plan Task 34)
- n. Report the number of priority watershed coordinator positions developed and functioning according to DWQ contract work plans. (NPS Plan Task 9)

## **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**

## **GROUND WATER PROTECTION**

- 1. Maintain an effective 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 a 1422 UIC Program, the Regional Administrator of the United States Environmental Protection Agency (USEPA) Region 8 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 (40 CFR Parts 144 and 147) 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.
  - b. Technical training, as appropriate and as funds allow.

- 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 Cady).
    - 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 Cady))
    - 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. EPA Region 8 FY10 PAM SDW-7a target is 95%.

Report:

- Number that lose mechanical integrity.
  - Number that lose mechanical integrity that are returned to compliance within 180 days, expressed as numerator over denominator.
- 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. EPA Region 8 FY10 PAM SDW-7c target is 95%.

Report:

- Number that lose mechanical integrity.
- Number that lose mechanical integrity that are returned to compliance within 180 days, expressed as numerator over denominator.

- e. 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. EPA Region 8 FY10 PAM SDW-8 target is 80%.

Report:

- Number of high priority Class V wells in sensitive ground water protection that have been identified, and the number closed or permitted in FY10 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.

- f. 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).
  - g. Track EPA's development of rules for carbon sequestration. (Candace Cady).
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 Cady).
    - 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 Annual Narrative – Candace Cady).

5. Electronic Submittal to the National UIC Database

The Utah Automated Geographic Reference Center will continue working with DWQ on the development and implementation of a tool that will access the National UIC Database Schema and Schematron validation web service in real time as we are editing our database. This will greatly improve the quality of data entered into the database and improve the efficiency of our reporting by ensuring that all data entered into Utah's UIC Geodatabase meets the validation rules for submittal to the National UIC Database.

Priority for entering this data is as follows:

1. all active facilities permitted,
2. all active facilities inventoried since January 2003,
3. all inactive facilities inventoried since January 2003,
4. all inactive facilities permitted,
5. all historical (pre-January 2003) facilities - active and inactive,

DWQ commits to submitting to the National UIC Database by September 15 in preparation for meeting FY2009 annual reporting requirements. It is the goal of DWQ to opt out of traditional reporting within six months after its successful submittal of FY2009 annual reporting information.

**Table 1 - UIC FY10 Reporting Requirements\***

<b><u>Due Date</u></b>	<b><u>Reporting Cycle</u></b>	<b><u>Report Required</u></b>
January 20 (1 <sup>st</sup> Quarter Date)	Quarterly	Quarterly Exceptions List (Form 7520-4)
April 20 (2 <sup>nd</sup> Quarter Date)	Quarterly, Semi-Annual	<p><b>Quarterly</b> Quarterly Exceptions List (Form 7520-4)</p> <p><b>Semi-Annual</b> 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 <b>OR</b> "Extra Reports" Class V Activities Narrative</p>
July 20 (3 <sup>rd</sup> Quarter Date)	Quarterly	Quarterly Exceptions List (Form 7520-4)

October 20 (4 <sup>th</sup> Quarter Date)	Quarterly, Semi-Annual, Annual	<p><b>Quarterly</b> Quarterly Exceptions List (Form 7520-4)</p> <p><b>Semi-Annual</b> 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 <b>OR</b> "Extra Reports"</p> <p><b>Annual</b> Permit Review and Issuance, AOR (Form 7520-1) Annual Program Narrative Class V Inventory Progress</p>
December 31	Annual	Final Financial Status Report (FSR)

\*Once the State and EPA have determined that electronic reporting has been successfully implemented during FY 2010, paper reporting (including 7520s) will no longer be necessary.

5. Continue administration of a comprehensive ground water protection program according to priorities established in Utah Ground Water Protection Strategy and the annual FY10 Division of Water Quality/Goals and Objectives.

**Measures:**

- a. End-of-year report as required by EPA grant on achievement of FY10 DWQ/Ground Water Program Goals and Objectives. (Rob Herbert due 9/31/10)
- b. Statewide Ground Water Quality Discharge Permitting Program administered in accordance with strategy and state rules. (Rob Herbert and Section, ongoing)
- c. Education outreach efforts conducted to promote and encourage awareness of ground water protection issues. (Bill Damery 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)
- 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 Herbert and Section 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)

## **WATER QUALITY MANAGEMENT**

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

### **Measures:**

- a. Finalize the 2008 Integrated Report within two months of finalizing revisions to the standards or beneficial uses of Great Salt Lake's impounded wetlands.
  - b. Complete the 2010 Integrated Report and update the EPA Assessment Database, (ADB, version 2 or later), by April 1, 2010. **(WQ7)**
  - c. Revise the assessment portion of DWQ's website to more effectively describe this program to Utah's stakeholders.
  - d. 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**)
  - e. Report the number of impaired watersheds (at the 12 digit HUC scale), where water quality conditions improve (cumulative). The target measure estimated for 2010 is 1 and estimated target for 2012 is 4. (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)**
  - f. Revise and update the assessment strategy for the Great Salt Lake to reflect completed work and current priorities for addressing water quality concerns for this ecosystem (January 15, 2010).
  - g. Develop a list of priority watersheds at the 12 digit HUC scale.
  - h. Develop and document revisions to assessment methods for Utah's lakes and reservoirs (May 15, 2010).
  - i. Evaluate and revise as necessary assessment methodologies for the 2010 Integrated Report. In particular, provide documentation that describes how biological and chemical assessments are used in concert to assess overall aquatic life beneficial use support for Utah's streams.
2. Maintain Water Quality Standards as the basis for effective water quality management and assessment programs.

**Measures:**

- a. Complete a water quality standards rulemaking, including Board permission to begin a rulemaking, issuing a public notice, providing for a comment period, conducting a public hearing, developing a response to comments, presenting final recommendations to the Board and submitting revisions to the EPA for review by June 30, 2010. **(WQ3 & WQ4)**
  - b. Continue to collaborate with the water quality standards workgroup of stakeholders and partners on WQS revisions. Implement a collaborative process with this workgroup to solicit public input and identify issues for modification and update of Utah water quality standards by November 28, 2009.
  - c. Develop WQS revisions that address appropriate use designations and/or criteria for impounded wetlands of the Great Salt Lake.
  - d. Work with the water quality standards workgroups and EPA to evaluate standards changes needed prior to the next triennial reviews, including if necessary resolution of any of the 2008 revisions disapproved by EPA.
  - e. Continue development and implementation strategy of Nutrient Criteria Development Plan. Implement Utah's nutrient plan by finalizing draft nutrient thresholds for wadeable streams based on stressor-response analyses. **(WQ-1b)**
  - f. Continue work on Great Salt Lake (GSL) assessment and standards revisions following the GSL action plan. Reinvigorate Great Salt Lake stakeholder workgroups to ensure that these actions are implemented transparently and address key stakeholder concerns.
  - g. Work with EPA to document specific instructions and expectations for Level II antidegradation reviews to ensure that these reports, when required, are developed consistently among stakeholders.
  - h. Develop a monitoring plan that provides sufficient data to provide continued evaluation of, and potential revisions to, the selenium standard recently established for the Great Salt Lake.
3. 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. (update date - May 15, 2009) **(WQ5)**

- b. Develop outreach materials (i.e., website, fact sheets, reports) to more completely describe Utah's biological assessment program to our stakeholders.
- c. 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, 2009)
- d. Digitize both field and laboratory data and store in a readily accessible database. (ongoing)
- e. Collect periphyton samples at all biological monitoring sites and preserve them such that diatoms can be enumerated and identified. (September-October, 2009)
- f. Develop an autecology table that links diatom taxa to characteristics that describe water quality, to serve as the initial step for creating diatom assessment tools for Utah's streams.
- g. Update O/E model based on an expanded reference dataset and revise thresholds for application in the 2010 IR following EPA's updated guidance on establishing thresholds.
- h. Develop assessment methods that better integrate biological and chemical assessment methods to provide an overall assessment of aquatic life beneficial use support for Utah's streams.
- i. Compile and utilize existing biological data to create preliminary site assessments and include these assessments in the 2010 Integrated Report. (1/15/2010)

## **MONITORING**

- 1. Establish an effective Monitoring Program.
  - a. Implement recently revised Strategic Monitoring Plan for chemistry, bioassessment, physical habitat, fish, fish tissue and pathogens to meet programmatic needs. Establish a timeline for implementing proposed enhancements to the SMP, including a schedule for regular QAPP and SOP revisions. (9/30/2009, Jim).
  - b. Develop Annual Monitoring Plan to include schedule, site locations, monitoring activities, responsible entities, and special studies for meeting program objectives in the SMP (7/1/2010)
  - c. Download from EPA the National Rivers and Streams Assessment data upon availability for use in assessments. (Ongoing, Jeff)
  - d. Implement random assessments, biological and chemistry monitoring program using incremental 106 funding. (Jim Ongoing)

- e. 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. (Jeff, Ongoing)
- f. 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 (Jeff, Ongoing)
- 2. Develop a plan for the development tools for data management, QA/QC, and retrieval software for the new Ambient Water Quality Management System (AWQMS). ( 12/31/2009, Jim )
- 3. Revise the Monitoring Manual so that all procedures are reflective of current SOPs and can be more easily followed as field protocols and provide access via the Monitoring webpage. (Jim 2/1/2010)
- 4. Fully develop and implement a monitoring program for *E. coli* to facilitate more rigorous assessment of recreational beneficial uses (Jim and Sandy, ongoing)
- 5. Establish a Statewide Monitoring Council to facilitate coordination of monitoring activities and special studies by local state and federal agencies as well as researchers and volunteer monitoring groups. (Jim/ Rob B. 8/1/2010)

## **SPECIAL STUDIES**

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

## II. CUSTOMER SERVICE

### DWQ

1. Foster integrated information management.

#### **Measures:**

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

*Phase I – Hardware and preliminary setup completed to enable prototype scanning of documents.*

*Phase II -- Integrated filing system on hold pending installation*

- c. Implement the division's portion of the IT Delivery Plan. (ongoing, 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. Continue to enhance the storm water inspection program. (John Whitehead and Mike Herkimer)
- b. Actively participate , as appropriate in the Legislative Water Task Force as instream flow, water conservation and water funding issues are studied.(ongoing, John Kennington)
- c. Develop rules for CAFO permits following EPA's promulgation of its regulations. (Don Hall)
- d. Continue to effectively manage the level of federal carry-over funds. (Stacy Carroll)
- e. Develop a means to retain in our files NMPs for all permits under the new EPA CAFO Rule. (Don Hall)

### **III STATE-BASED REGULATION OF ENVIRONMENTAL 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 that 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)
- c. Revise R317-3, R317-4 and R317-5 to reflect new wastewater technologies as needed (Ongoing, Ed Macauley)
- d. Update TMDL rules by including recently completed and EPA approved TMDLs (Carl Adams)
- 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. Issue Operating Permits for all wastewater systems not currently permitted. (Ongoing Paul Krauth/Dave Snyder.)
  - 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.)

All objectives were accomplished. Paul Krauth and Dave Snyder conducted extensive outreach in the operating permit program to foster community and Local Health Department participation. Communities closed loans with the Water Quality Board totaling over \$46 million to assist in the construction of over \$58 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. Many of these meetings resulted in the Water Quality Board

authorizing funding for wastewater facilities planning.