

## *APPENDIX I TO THE STATE NONPOINT SOURCE POLLUTION MANAGEMENT PLAN*

### ***Analysis of the EPA Eight Key Elements for the Utah NPS Program and 2018 Revisions***

*Utah Department of Environmental Quality  
Utah Division of Water Quality  
Plan Revision 2018*

- 1. The state program contains explicit short- and long-term goals, objectives and strategies to restore and protect surface and ground water, as appropriate.**

The mission, objectives and tasks for the Utah NPS Management Program are described in Chapter 2 of the Plan. These tasks consist of short- and long-term goals, as well as annual milestones that can be used to document the progress that has been made in achieving program goals.

- 2. The state strengthens its working partnerships and linkages to appropriate state, interstate, tribal, regional, and local entities (including conservation districts), private sector groups, citizens groups, and federal agencies.**

This element is addressed in various sections throughout the Plan. Chapter 2, Objective 5 is titled: Improve Coordination of Governmental and Private Sectors. Under this objective nine tasks are provided that will help improve working partnerships with all relevant agencies. Furthermore, Section 3.3 of the Plan discusses the role that stakeholder involvement plays in the Statewide NPS Management Program, both at the state and local level. This section includes the roles local entities play in the watershed planning process and also discusses the purpose of the Utah Water Quality Task Force. The State also conducts annual federal consistency reviews with the Forest Service and BLM in addition to hosting an annual program coordination meeting to inform other agencies of NPS efforts being conducted. The NPS MOU highlighting how various land management agencies will work together in the implementation of NPS projects is also included in Appendix K.

**3. The state uses a combination of statewide programs and on-the-ground projects to achieve water quality benefits; efforts are well integrated with other relevant state and federal programs.**

The State of Utah uses more than 50% of the 319 funds received for on-the-ground project implementation. In addition to 319 funding, the State has other funding programs used to accomplish the mission and objectives of the Statewide NPS Program. In addition, the State works with various federal partners to fund NPS projects around the state. The Forest Service, BLM, U.S. Fish and Wildlife Service, NRCS, and National Park Service have all partnered with the Division of Water Quality on various NPS related projects in the past few years. A description of State and Federal programs being used to support the Statewide NPS Management Program can be found in section 4.2 of the Management Plan.

**4. The state program describes how resources will be allocated between (a) abating known water quality impairments from NPS pollution and (b) protecting threatened and high quality waters from significant threats caused by present and future NPS impacts.**

The State of Utah recognizes the importance of protecting and restoring the waters of the state. The State of Utah uses a targeted basin approach to implement the Statewide NPS program. This approach allows the State to allocate the majority of its NPS funding to specific priority watersheds on a rotating basis. This approach gives local watershed groups the needed funding to implement watershed plans, and increases the likelihood of seeing environmental improvements as a result of the increase in funding available to them. An in-depth description of the targeted basin approach is found in sections 3.4 and 3.9. The state has also increased efforts to protect waterbodies that are at risk of being listed on the 303(d) list of impaired waterbodies. These efforts are reflected in additional tasks identified in the NPS management plan as well as section 4.13.

**5. The state program identifies waters and watersheds impaired by NPS pollution as well as priority unimpaired waters for protection. The state establishes a process to assign priority and to progressively address identified watersheds by conducting more detailed watershed assessments, developing watershed-based plans and implementing the plans.**

The State's water quality assessment activities are described in section 3.6 of the Management Plan. Section 3.5, Strategic Data Collection, also touches on methods that will be used to gather water quality data that can be used for the development of TMDLs, watershed assessment, and project effectiveness. This information is also critical in the development of the state's 303(d) and 305(b) reports which identify waterbodies that are not meeting their designated beneficial uses. The State of Utah has also developed an anti-degradation policy, which identifies waterbodies that are considered high quality waters, or high priority watersheds. This policy also discusses the precautions that should be taken during any projects or development that take place in those locations. A list of these waterbodies can be found in Appendix E of the Management Plan.

**6. The state implements all program components required by section 319(b) of the Clean Water Act, and establishes strategic approaches and adaptive management to achieve and maintain water quality standards as expeditiously as practicable. The state reviews and upgrades program components as appropriate. The state**

**program includes a mix of regulatory, non-regulatory, financial and technical assistance, as needed.**

The State of Utah has developed an array of programs to address nonpoint source pollution from various sources. A list of these programs can be found in Chapter 4 of the Nonpoint Source Management Plan. Some programs are so complex in nature that individual plans have been developed to determine how to better deal with those issues. These plans are included in the appendices of the Management Plan. These programs will be developed or updated as needed. These updates may include the addition of BMPs, the revision of program goals and objectives, and the inclusion of any strategies that may be required to address NPS issues that may arise in the future. The Water Quality Board has provided funding which can be used for financial or technical assistance to implement the programs mentioned in this plan.

While the Utah NPS Program consists mainly of non-regulatory programs, regulatory programs are also associated with the NPS program. These regulatory programs include the State's Animal Feeding Operation program and the State's Storm Water management program.

**7. The state manages and implements its NPS management program efficiently and effectively, including necessary financial management.**

Objective 2 of the Nonpoint Source Management Plan contains eight tasks that will help the State's NPS program continue to function efficiently and effectively. This includes the integration of annual milestones which will be reported on in the annual program report. In addition to these milestones, additional data will be required from all NPS project sponsors in their annual reports to verify that they are working with other state and federal agencies, and collecting the monitoring data necessary to determine the effectiveness of their projects. Final reports are also an important tool for determining what aspect of projects worked well and which did not.

**8. The state reviews and evaluates its nonpoint source management program using environmental and functional measures of success, and revises its NPS management program at least every five years.**

The State of Utah will review the Statewide Nonpoint Source Management Program every five years. A review was last completed by Utah State University, and many of the recommendations given in this report are reflected in the most current version of the Statewide Management Plan. This plan will be updated again in 2023, and a similar review will be conducted prior to any revisions being made. Additional measures are currently underway to improve the monitoring of projects funded with Section 319 funding, and State NPS Funding. The Targeted Watershed Approach has allowed the State Monitoring Section to adjust the monitoring strategy in accordance with the watershed approach. This will help determine if the NPS projects being implemented are helping improve the environment in project areas, and increase the effectiveness of watershed planning.

## **Summary of Changes to the 2018 NPS Management Plan**

- Report was reformatted to a DEQ Report Template
- Task 7 was updated to state that a guidance document regrading septic systems in drinking water zones will be completed by 2020.
- Task 13 from the 2013 plan- Review and upgrade the Hydrologic Modification Component of NPS program by 2014 was deleted upon completion.
- Task 25 was added to the plan. This task is to develop an online interactive map for both active and past 319 funded projects.
- Task 28 was added. This states that DWQ will develop a statewide NPS monitoring SAP for all active 319 projects annually.
- Task 41 was added. This states that the Utah NPS interagency MOU will be reviewed and updated accordingly by 2022.
- Section 3.3 The Division of Water Quality no longer contracts with UACD for project implementation. This was removed from the document.
- Section 3.3 The Water Quality Task Force Charter was updated with the 9 current functions of the Task Force.
- Section 3.5 was updated with current monitoring protocol including harmful algal blooms and cyanobacteria.
- Section 3.6- Point Source Permitting Program section was updated with current numbers of permits issued in the State of Utah.
- Section 3.6 Monitoring Program was updated with data from the 2016 Integrated Report.
- Figure 6 and figure 7- Maps showing beneficial use support for Utah lakes and streams was updated with 2016 IR maps.
- Table 5- Targeted basin funding cycle was updated to show current funding cycle.
- Section 4.3 Information and Education Section was updated with Goals of the Utah NPS I&E strategy as found in the State NPS I&E plan found in section C in the appendices.
- Section 4.4 Agriculture was updated with objectives of the Conservation Commission and ACES Certification requirements.
- Section 4.5 was updated with the most recent MS4 permit requirements, and the anticipated date that they will take effect.
- Section 4.16 U.S. Department of Agriculture (USDA) section was updated by removing expired programs and adding new programs for 2018.
- Figure 7 Utah Division of Water Quality Organization Flow Chart was updated.
- Chapter 5 roles and Responsibilities of DWQ Programs and Stakeholders was updated to mention the Utah NPS Interagency MOU.

## **Appendix A- List of Best Management Practices**

- References for each identified BMP were updated by removing links to documents that are no longer in existence, and adding references that are more current.

## **Appendix B- Utah Water Quality Task Force Charter**

- This document was updated with the most recent Charter that was finalized June 16<sup>th</sup>, 2015

## **Appendix C- Utah Statewide NPS I&E Plan**

- Some minor reformatting adjustments were made.
- The new NPS website (<https://utahcleanwater.org>) is explained and highlighted.

## **Appendix E- Utah Storm Water Management Plan**

- Table of contents was added.

- Small formatting and grammatical changes were made to the document.
- Diffuse Urban and Suburban Control Measures (page 14) was updated with the most recent MS4 permitting requirements.

## **Appendix F- Utah Nonpoint Source Pollution Plan for Abandoned Mines**

- Format was changed from Microsoft Publisher to Word to match the DEQ required reporting template.
- Figure 16- *Utah Stream Beneficial Use Assessment Map* was updated with data from the 2016 IR.
- Figure 17- *Utah Lake Beneficial Use Assessment Map* was updated with data from the 2016 IR
- Section 4.8-*BMP References* was updated with valid links to literature, and contact information.
- Chapter 6-*Goals and Objectives* was updated with new dates for the milestones identified for each goal.
- Chapter 7-*Implementation* was updated with correct contact information for each agency.
- Appendix A- *Utah Division of Oil Gas and Mining Abandoned Mine Inventory* was updated with 2017 data.
- Appendix C- *Nonpoint Source Mining Plan Technical Advisory Committee* was updated with current contact information.
- Appendix E- *Users Guide for Utah CWA 319 Water Quality Project Proposals* was updated to state that all projects that are funded with 319 grants are required to develop a contingency and emergency action plan, as required by EPA in 2016 following the Gold King Mine Spill.
- Appendix H- *Active Watershed Groups in the State of Utah* was updated with the most recent list of watershed groups.

## **Appendix G- Utah Hydrologic Modification Plan**

- Table of contents was added
- Chapter 3- *Prioritization and Implementation* was updated with more recent data from the 2016 Integrated Report.
- Appendix A- *Milestone Schedule* was updated with new milestone dates.
- BMP-*Diversions* was updated to state that new diversions that are implemented in a way to not interrupt upstream movements of aquatic organism, and that the UDWR should be consulted with during project planning to verify that this does not occur.
- BMP-*Impoundments* was updated with the statement that when possible, the impoundments that are constructed should be built off stream to help keep water temperatures in the watershed low.
- BMP- *Grade Control* was updated to state that whenever softer fixes should be implemented, such as beaver dam analogue structures to address grade control.
- A new BMP was added *Protection or Restoration of Instream Flows*. This section discusses the possibility of entities being able to lease water from water right holders to protect in-stream flow to benefit aquatic organisms present in the system.

## **Appendix K- Utah Nonpoint Source MOU**

- This appendix was added to highlight the partnerships that exist between the land management agencies. This MOU highlights the roles and responsibilities each agency will assume while trying to abate nonpoint source pollution on the lands that they manage. This MOU was signed by all parties by March 29<sup>th</sup>, 2017.