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OAG-054-18

July 31, 2018

Erica Gaddis, Director
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Re: **Utah Nonpoint Source Pollution Management Plan**

Dear Ms. Gaddis:

This letter is written in response to a request for this Office to review an update to the Utah Nonpoint Source Pollution Management Plan ("Plan"). The Federal Clean Water Act ("CWA") requires the Governor to develop a program to reduce nonpoint source pollution from navigable waters in the State. The Governor has delegated the management of the Statewide Nonpoint Source Pollution ("NSP") Program to the Utah Department of Environmental Quality ("UDEQ"), Division of Water Quality ("DWQ"). The Plan describes the processes used to manage nonpoint sources of pollution in navigable surface waters. The Plan contains specific objectives and tasks to improve water quality, together with annual milestones to measure the effectiveness of the program.

The United States Environmental Protection Agency requires NSP plans to be updated every five years. The Utah Plan was last updated in 2013 and following a review by staff, necessary changes have been identified and incorporated in a revised 2018 Plan. Section 319 of the CWA (33 U.S.C.A. 1329) requires a certification that State laws are adequate to implement the Plan as revised.

I recently met with Jim Bowcutt to review the draft revisions contained in the 2018 Plan and appendices for compliance with applicable Utah law. Based on our discussion, various tasks and sections contained in the required elements of the 2013 plan have been updated. In addition, changes have been made to the following appendices:

- Appendix A – List of Best Management Practices;
- Appendix B – Utah Water Quality Task Force Charter;
- Appendix C – Utah Statewide NPS Information and Education Strategy Plan;
- Appendix E – Utah Storm Water Management Plan;

- Appendix F – Utah Nonpoint Source Pollution Plan for Abandoned Mines;
- Appendix G – Utah Hydrologic Modification Plan; and,
- Appendix K – Utah Nonpoint Source Memorandum of Understanding.

The DWQ in the UDEQ is the lead agency for water pollution control programs. The Director of the DWQ¹ and the Utah Water Quality Board² have statutory authority pursuant to the Utah Water Quality Act, Utah Code Ann., Title 19 Chapter 5, to implement programs to abate water pollution. The Nonpoint Source Management Program consists of both non-regulatory (cooperation and stewardship) programs and regulatory programs. The regulatory programs include the Animal Feeding Operation³ Program and the Storm Water Management Program.⁴

This letter constitutes certification by the Utah Attorney General's Office that the laws of the State of Utah provide adequate authority to implement the Plans revised and amended. This certification is provided pursuant to Section 319 of the Federal CWA (33 U.S.C. 1329).

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig W. Anderson". The signature is fluid and cursive, with a large initial "C" and "A".

Craig W. Anderson, Director
Environment and Health Division

CWA/srb

cc: Jim Bowcutt, Division of Water Quality

¹ Utah Code Ann., § 19-5-106.

² Utah Code Ann., §§ 19-5-104 and 105.

³ Utah Code Ann., §§ 19-5-105.5 and 105.6.

⁴ Utah Admin Code R317-2.