



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

APR 23 2019

Ref: 8OWP-CWP

Alan Matheson
Executive Director
Utah Department of Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

Re: EPA Approval of 2018 Revision of the Statewide Nonpoint Source Pollution
Management Plan

Dear Mr. Matheson:

The U.S. Environmental Protection Agency (EPA) Region 8 received the State of Utah's updated Nonpoint Source Management Plan (Plan) with your cover letter dated October 5, 2018. The EPA is pleased to inform you of its approval of the Plan submitted in accordance with Section 319 of the Clean Water Act (CWA §319). Utah has satisfied all conditions of program approval by incorporating the key components that characterize an effective and dynamic state nonpoint source program pursuant to CWA §319 and the most recently released program guidance. The EPA congratulates Utah on its efforts to successfully complete development of this comprehensive plan.

Nonpoint source pollution, caused by a wide range of activities, is the leading cause of water quality impairment in Utah. Protection and restoration of Utah's waters will depend on a wide range of regulatory and non-regulatory actions. The EPA fully supports Utah's emphasis on cooperation and local stewardship to solve nonpoint source problems. The EPA appreciates your assurance that all applicable State water programs will be used as appropriate to protect and restore water quality degraded by nonpoint source discharges. Success will ultimately rely on your ability to use these programs to foster the widespread implementation of practices that will restore and maintain the chemical, physical, and biological integrity of Utah's waters.

Your staff's effort and commitment to updating the plan is appreciated. The EPA looks forward to working closely with the State of Utah to implement pollution control measures to achieve water quality goals. If you have any questions, the most knowledgeable person on my staff is Mr. Gary Kleeman and he can be reached at (303) 312-6246.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy O'Connor", with a long horizontal flourish extending to the right.

Darcy O'Connor
Assistant Regional Administrator
Office of Water Protection

cc: Honorable Gary R. Herbert
Governor, State of Utah

Ms. Erica B. Gaddis
Director, Division of Water Quality, UDEQ

Mr. James D. Bowcutt
Division of Water Quality, UDEQ

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

SPENCER E. AUSTIN
Chief Criminal Deputy

RIC CANTRELL
Chief of Staff

TYLER R. GREEN
Solicitor General

BRIAN L. TARBET
Chief Civil Deputy

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

DWQ-2018-008430

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,



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.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC NOTICE OF DRAFT NONPOINT SOURCE MANAGEMENT PLAN AND
APPENDICIES

The Division of Water Quality presents for public comment the draft of the Utah Statewide Management Plan for Nonpoint Source Pollution. The purpose of this plan is to identify the strategy the State of Utah will use to control pollution added from nonpoint sources to the navigable waters within the State and improving and protecting the quality of such waters.

Included in the appendices of this plan are the Utah Storm Water Management Plan (Appendix E), the Abandoned Mine Plan (Appendix F), and the Hydrologic Modification Plan (Appendix G). These plans have also been updated, and are being presented for approval in this thirty day comment period.

This management plan is available for public comment from August 8, 2018 through September 11, 2018. A copy of the plan can be obtained by contacting Jim Bowcutt at (801) 536-4336 or on the web at <https://deq.utah.gov/public-notice/water-quality-public-notice>.

Comments must be submitted in writing to:

Jim Bowcutt

Utah Division of Water Quality

P.O. Box 144870

Salt Lake City, UT 84114-4870

Or via e-mail to jdbowcutt@utah.gov