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DIVISION OF
WATER QUALITY

Mr. William Moellmer
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Mr. Moellmer:

Subject: Comment on Rule Change for 317-2

I have reviewed the proposed amendments to the Standards of Quality for Waters of the State. I believe that the proposed changes have been well-studied, and except as noted below, present appropriate improvements to the rules.

The selenium standards propose a tissue-based standard of 12.5 mg/kg dry weight, using bird eggs. We recognize the extensive work that has been done to arrive at this standard, and agree that it is appropriate. My review of the study itself confirms my confidence in that recommendation. I concur also in the need to establish assessment procedures, so that increases in selenium will not go unnoticed, especially as it approaches the standard. However, the recommended response (see footnote 14 of the rule) when the selenium concentration in eggs reaches 60% of the standard is inappropriate. By putting a selenium cap on all permits at that point, it effectively establishes a new standard of 7.5 mg/kg, far below the recommended standard.

As an alternative, I would recommend that preliminary studies of load reductions be initiated when samples show a concentration of 60% of the standard. At the 80% level, final studies, identifying a TMDL should be completed, so that if and when the 100% level is reached, the TMDL will be ready to implement.

If I have misinterpreted the response, please let me know. But if I misinterpreted it, it is likely that others would, which would indicate that the rule, as written is vague and unclear.

Sincerely,

Carl Eriksson, P.E.
General Manager



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