

Utah Division of Water Quality
Public Comments Received for Triennial Review
Summarized by: William O. Moellmer, September 2, 2008
Arranged According to Commenter

<u>Name</u>	<u>Contact Info</u>	<u>Issue</u>	<u>Comment</u>
ATK (Thiokol), David P. Gosen		TDS Standard	<ul style="list-style-type: none"> Blue Creek is @ 4,343 mg/l. Request a site specific standard of 4,343 mg/l or remove Blue Creek Classification 4.
			<ul style="list-style-type: none">
Reed Bodell		12.5 mg/kg Standard	<ul style="list-style-type: none"> Agree with the proposed standard.
Reed Bodell		Assessment Methodology	<ul style="list-style-type: none"> This is a <i>de facto</i> selenium standard placed at 60 percent of the number derived through appropriate scientific studies.
Central Davis Sewer District, Susan Holmes	801-451-6836	GSL Segmentation	<ul style="list-style-type: none"> Strongly support
Central Davis Sewer District, Jill S. Houston	801-451-2190	Antidegradation	<ul style="list-style-type: none"> Requiring a Level II Review where the background conc. is greater than 75% is questionable and a <i>de facto</i> standard. No additional review is needed.
Central Davis Sewer District, Jill S. Houston	801-451-2190	12.5 mg/kg Standard	<ul style="list-style-type: none"> The standard should be based upon an EC20 instead of the EC10.
Central Davis Sewer District, Jill S. Houston	801-451-2190	Assessment Methodology	<ul style="list-style-type: none"> The assessment Methodology established a standard below the scientifically defensible value and is unduly restrictive. The Methodology is more restrictive than the federal standard and is therefore in violation of State Code 19-5-105.
Central Utah Water Conservancy District, Reed Y. Oberndorfer, Ph.D.	801-226-7107	Drinking Water Sources	<ul style="list-style-type: none"> Want additional language to provide for stakeholder participation for permits where the receiving water is a drinking water source. Require a coordinating meeting with Division of Drinking Water on all permits where the receiving water is a drinking water source.
Central Valley Water	801-973-	Antidegra-	<ul style="list-style-type: none"> Removing the 3C, 3D, and 3E waters will trigger a costly Level II

Reclamation Facility, Reed Fisher	9100	ation	review at significant cost with no significant benefit. This “off ramp” should be maintained.
Central Valley Water Reclamation Facility, Reed Fisher	801-973-9100	12.5 mg/kg	<ul style="list-style-type: none"> Use of the EC-10 value is unduly restrictive.
Central Valley Water Reclamation Facility, Reed Fisher	801-973-9100	Assessment Methodology	<ul style="list-style-type: none"> The proposed assessment Methodology serves to establish actual standards or limits below scientifically defensible values. The assessment Methodology is not only unnecessary, but implies that the EC-10 without the Methodology is not adequate to protect public health and the environment.
Heather Dove (voice mail)	424-0010	Se in Lake Water	<ul style="list-style-type: none"> Great Salt Lake has a very fine balance we need to make sure we don’t mess with it nor should we mess with our healthy brine shrimp industry. Don’t think we should any increase levels of selenium from where we are now.
EPA, Dave Moon	303-312-6833	Primary & Secondary Recreation	<ul style="list-style-type: none"> Use the words frequent primary contact and infrequent primary contact for primary and secondary recreation respectively.
EPA, Dave Moon	303-312-6833	10% Exceedence	<ul style="list-style-type: none"> Remove the clause in R317.2-7.1 and use only the footnotes for DO, TDS, and E. coli. This “10% clause” is appropriate only for these conventional parameters.
EPA, Dave Moon	303-312-6833	Downgraded Aquatic Life Uses	<ul style="list-style-type: none"> Changes in beneficial use must follow UAA formal format. They can not be “tag alongs” on a TMDL submission. We need to “beef up” the UAAs. Support the site specific criterion for the Paria River from the Utah/Arizona border to confluence of Cottonwood Wash.
EPA, Dave Moon	303-312-6833	GSL Open Water Above 4,208	<ul style="list-style-type: none"> Change to “Fresh Water Above 4,208”. Delete R317-2-13.13 as obsolete.
EPA, Dave Moon	303-312-6833	Egg/Embryo	<ul style="list-style-type: none"> Change wording for clarity, to wit: “tissue-based standard using the complete egg/embryo of aquatic-dependent birds using Gilbert Bay based on a minimum of 5 samples over the nesting season”.

EPA, Dave Moon	303-312-6833	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Please explain the approach on how the Division would implement the selenium standard.
EPA, Dave Moon	303-312-6833	Ammonia for Class 3C and 3D	<ul style="list-style-type: none"> • We support this adoption.
			<ul style="list-style-type: none"> •
			<ul style="list-style-type: none"> •
Lynn de Freitas, Friends of the Great Salt Lake		Segmentation	<ul style="list-style-type: none"> • This standard leaves the lake unprotected from selenium. • Segmentation of the lake is not ecologically sound and should be managed as one unit.
Lynn de Freitas, Friends of the Great Salt Lake		4,208 ft.	<ul style="list-style-type: none"> • The elevation is artificial, not ecologically based, and serves only to undermine the ecological integrity of the lake. • Fails to adopt immediate water quality standard that protect the waters of the Lake. • Violates the public trust doctrine.
Granger-Hunter Improvement District, Bradley R. Paxman	801-968-3551	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Agree with this proposed standard.
Granger-Hunter Improvement District, Bradley R. Paxman	801-968-3551	Assessment Methodology	<ul style="list-style-type: none"> • Disagree with the proposal to place caps on selenium loading in Great Salt Lake discharge permits at 60 percent of the proposed standard level. We see this as a defacto selenium standard placed at 60% of the number derived through appropriate scientific studies. • Request the implementation of annual selenium loading caps at levels below the selenium standard not be included within the proposed assessment Methodologies.
Kearns Improvement District, Carl Ericksson	801-1011	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Is appropriate
Kearns Improvement District, Carl Ericksson	801-1011	Assessment Methodology	<ul style="list-style-type: none"> • The 60% response of the standard is in appropriate. It establishes a new standard of 7.5 mg/kg, far below the recommended standard. • Recommend: At 60% initiate load reduction studies. At 80% complete a TMDL study. At 100% implement the TMDL.
			<ul style="list-style-type: none"> •

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KKC, Central Laboratory, Guy Morkus & Justin Whittaker	801-569- 7910	12.5 mg/kg Standard	• Agree with this proposed standard.
KKC, Central Laboratory, Guy Morkus & Justin Whittaker	801-569- 7910	Assessment Methodology	• This is a <i>de facto</i> selenium standard placed at 60 percent of the number derived through appropriate scientific studies.
Kennecott Copper, Kelly Payne	801-569- 7128	12.5 mg/kg Standard	• The Board should adopt this standard.
Kennecott Copper, Kelly Payne	801-569- 7128	Brine Shrimp	<ul style="list-style-type: none"> • The Proposed standard is wholly protective of the Brine Shrimp Industry's salable product. Using a ratio and transfer factor derived by the Science Panel, the egg standard of 12.5 mg/kg is consistent with brine shrimp protection limits. • The views of the brine shrimp industry were submitted after the Science Panel had disbanded. Lacks technical basis.
Kennecott Copper, Kelly Payne	801-569- 7128	Assessment Methodology	• The Board should not adopt an assessment methodology. (1) Has not received public scrutiny. (2) Has fundamental flaws. (3) Is a <i>de facto</i> second standard. (4) Potentially more stringent than what may come from an Antidegradation Level II Review. (5) Unfounded Arbitrary Thresholds for action. (6) Inconsistencies and lack of correlation between directed actions. (7) Does not consider economic issues as does the antidegradation review Methodology. (8) Should be remanded to DWQ staff for further review and implemented as a guideline, not as rule. (9) Establishing a cap may have anti-backsliding implications.
Kennecott Copper, Kelly Payne	801-569- 7128	GLS Segmentation	• Recommends the segmented uses classifications be adopted.
Kennecott Copper, Kelly Payne	801-569- 7128	Antidegradati on	• Concurs with proposed rulemaking that gives an exemption (off ramp) to UPDES permits that do not lower water quality where there

			<p>is no change in the discharge.</p> <ul style="list-style-type: none"> • May force the discharger to reduce or eliminate loading rather than examine the causes of an upward trend in the receiving water.
Charlotte Kessler	Moab, UT	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Apply the highest standards allowable. • Use the concentration of Se in the brine shrimp as a means of measuring this pollutant. • Tolerance for selenium should be as close to zero as possible
			<ul style="list-style-type: none"> •
Lake Front Duck Club, Jason Kershaw & Bruce Waddell		4208 ft. Level	<ul style="list-style-type: none"> • The 4,208 value may remove the 2B, 3D default classification from many of the duck clubs. There are fresh water wetlands below this elevation.
Lake Front Duck Club, Jason Kershaw & Bruce Waddell		Brine Shrimp	<ul style="list-style-type: none"> • We strongly recommend a trigger be added to the assessment on brine shrimp.
Lake Front Duck Club, Jason Kershaw & Bruce Waddell		12.5 mg/kg Standard	<ul style="list-style-type: none"> • Strongly recommend a 5 mg/kg value for bird eggs and 4.9 for brine shrimp.
Lake Front Duck Club, Jason Kershaw & Bruce Waddell		GSL Se Concentration	<ul style="list-style-type: none"> • Recommends to put a moratorium on new loading to the GSL until monitoring shows that concentrations of Se are stable or declining. • USFWS and USGS data show dramatic increases in brine shrimp and eared grebes over the last 10 years.
Central Davis Sewer District, Susan Holmes	801-451-6836	Primary & Secondary Recreation	<ul style="list-style-type: none"> • Support the removal of primary recreation from Farmington Bay.
JBR Environmental Consultants, Inc., Robert J. Bayer	801-943-4144	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Recommend adoption.
JBR Environmental Consultants, Inc., Robert J. Bayer	801-943-4144	Assessment Methodology	<ul style="list-style-type: none"> • Exclude all but the first sentence of the footnote. • Methodology appears to have no scientific basis. • Appears to be largely arbitrary. • It was proposed without any substantive explanation from DWQ and is inconsistent with other DWQ programs.

			<ul style="list-style-type: none"> DWQ has the tools without creating supplemental, arbitrary requirements.
JDS Swift (formerly E.A. Miller), Don Summitt		Spring Cr. Site Specific Standard	<ul style="list-style-type: none"> JDS is trying to reduce nutrients and there is need to add more TDS to the receiving water to do it.
Jordan Valley Water Conservancy District, Bart A. Forsyth	801-505-4300	Drinking Water Source	<ul style="list-style-type: none"> Include required consultation with the Division of Drinking where NPDES permits are to discharge to a drinking water source. Add protozoa in potential monitoring schemes.
Jordan Valley Water Conservancy District, Mark Atencio		12.5 mg/kg Standard	<ul style="list-style-type: none"> Adopt at this time
Jordan Valley Water Conservancy District, Mark Atencio, et.al.		Assessment Methodology	<ul style="list-style-type: none"> Recommend to not adopt at this time. Staff should further investigation and discuss with stakeholders a more workable methodology. Defer action on adoption until questions can be answered.
Magna Water Co., Ed Hansen	801-250-2118	12.5 mg/kg	<ul style="list-style-type: none"> Support
Magna Water Co., Ed Hansen	801-250-2118		<ul style="list-style-type: none"> Disagree with the proposal to place caps on selenium loading in Great Salt Lake discharge permits at 60 percent of the proposed standard level. We see this as a de facto selenium standard placed at 60 percent of the proposed standard derived through appropriate scientific studies. This would cause confusion between the 12.5 mg/kg standard cap and the lower 60% value of that cap.
National Park Service, David Thoma,	435-834-4905	Beneficial Use	<ul style="list-style-type: none"> Change classification of North Fork of the Virgin River and tributaries from 2B to 2A.
			<ul style="list-style-type: none">
The Nature Conservancy, David Livermore and Chris Montague	801-531-0999	Assessment Methodology	<ul style="list-style-type: none"> Fully support as presented.
North Davis Sewer District, Kevin Cowan	801-825-0712	Antidegradati on Review	<ul style="list-style-type: none"> The need or benefit of Level II reviews for POTW's is questionable re: the 75%. This imposes a <i>de facto</i> standard that must be met even before the actual standard is exceeded. Additional review is not

			needed.
North Davis Sewer District, Kevin Cowan	801-825-0712	Removal of 3C, 3D, 3E Level I off ramp	<ul style="list-style-type: none"> This has the potential for requiring high costs fo POTW's impacted without a commensurate benefit. We ask the current 'off ramp' be maintained.
North Davis Sewer District, Kevin Cowan	801-825-0712	12.5 mg/kg	<ul style="list-style-type: none"> The District feels strongly that the selenium standard should be based upon an EC20.
North Davis Sewer District, Kevin Cowan	801-825-0712	Assessment Methodology	<ul style="list-style-type: none"> These assessment Methodologys establish an actual standard or limit below the scientifically defensible value, and are unduly restrictive. Use the antidegradation Methodology This may be more restrictive than Federal law, and thus a violation of State Code 19-5-105.
North Davis Sewer District, Kevin Cowan	801-825-0712	Dissolved Oxygen	<ul style="list-style-type: none"> We understand that 10% of the measurements may exceed the minimum before impairment is declared. Also that the minimum should+ have to be exceeded great than 10% of the time before the water is placed on the 303(d) list.
Salt Lake City Corporation, Florence Reynolds	801-483-6900	E. coli	<ul style="list-style-type: none"> Deeming the E. coli levels as a pollution indicator (and) not a regulatory level will make enforcement of illegal discharges nearly impossible. The correlation between E. coli and plate counts needs to be verified.
South Davis Sewer District, Dal D. Wayment	801-295-3486	GSL Segmentation	<ul style="list-style-type: none"> Supports the creation of 5D and 5E classifications to better protect Farmington Bay and the Farmington Bay Waterfowl Management Area.
Taylorville-Bennion Improvement District, Floyd Nielson	801-968-9081	12.5 mg/kg Standard	<ul style="list-style-type: none"> We agree with this proposed standard.
Taylorville-Bennion Improvement District, Floyd Nielson	801-968-9081	Assessment Methodology	<ul style="list-style-type: none"> We disagree with the proposal to place caps on selenium as a <i>de facto</i> standard placed at 60% of the number derived through appropriate scientific studies.
Utah Artemia Association, Don Leonard		12.5 mg/kg Standard	<ul style="list-style-type: none"> Not sufficient protective of brine shrimp. Cyst and nauplii concentrations should be maintained in the range of 3.1 to 7.9

			mg/kg.
Utah Artemia Association, Don Leonard		Assessment Methodology	<ul style="list-style-type: none"> • Base the action item percentages on a standard of 7.9 mg/kg
Utah Farm Bureau, Todd Bingham		12.5 Standard	<ul style="list-style-type: none"> • Recommend adoption
Utah Farm Bureau, Todd Bingham		Assessment Methodology	<ul style="list-style-type: none"> • Not adopt. Arbitrary, without any sustentative explanation, inconsistent with other programs, not necessary.
Utah Manufactures Association, Thomas E. Bingham	363-3885	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Fully supports.
Utah Manufactures Association, Thomas E. Bingham	363-3885	Assessment Methodology	<ul style="list-style-type: none"> • Utah Manufacturing Association has significant concerns. • Arbitrary selected triggering thresholds where there is no ecological concern. • Creates a <i>de facto</i> “second standard” which discounts years of study to get a well reasoned standard. • May preclude trading. • Point source loading accounts for less than 1/3 of total; therefore, doesn’t take into account real conditions. • It is a reactive unstudied responsive. • Methodology is piecemeal. • It proposes an approach fundamentally inconsistent with other water quality standard requirements without justification. • No substantive explanation for deviating from the present antidegradation requirements. • This may be more stringent than federal law. • The Antidegradation Review process is flawed in that it does not provide a mechanism for feedback as a part of the review. • We need to create a specific, tiered monitoring plan.
Utah Mining Association, David Litvin	365-1874	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Fully supports.
Utah Mining Association, David Litvin	365-1874	Assessment Methodology	<ul style="list-style-type: none"> • Utah Mining Association has significant concerns. • Arbitrary selected triggering thresholds where there is no ecological

			<p>concern.</p> <ul style="list-style-type: none"> • Creates a <i>de facto</i> “second standard” which discounts years of study to get a well reasoned standard. • May preclude trading. • Point source loading accounts for less than 1/3 of total; therefore, doesn’t take into account real conditions. • It is a reactive unstudied responsive. • Methodology is piecemeal. • It proposes an approach fundamentally inconsistent with other water quality standard requirements without justification. • No substantive explanation for deviating from the present antidegradation requirements. • This may be more stringent than federal law. • The Antidegradation Review process is flawed in that it does not provide a mechanism for feedback as a part of the review. • We need to create a specific, tiered monitoring plan.
Utah State University, Wayne Wurtsbaugh	435-797- 1871	Se Conc.	<ul style="list-style-type: none"> • Data suggests selenium concentrations are already potentially high enough to cause deleterious effects on birds. •
		12.5 mg/kg Standard	<ul style="list-style-type: none"> • 12.5 mg/k standard not required for economic reasons. • Based upon an inappropriate control. • Should be an integer value. • Should have been on all of the lake, and not just Gilbert Bay • A alue of 6-8 would protect most of the birds and still allow for considerable discharges into the lake.
U.S. Fish & Wildlife Service, Larry Crist		4,208 ft.	<ul style="list-style-type: none"> • Has not been identified on a map, thus has led to confusion. Recommend a map to identify. Some dikes may be lower than 4,208 thus creating confusion as to applicable standards. Potential solution is to define “open waters” as these that are down gradient of impounded wetlands regardless of the dike elevations.
U.S. Fish & Wildlife Service, Larry Crist		4,208 ft.	<ul style="list-style-type: none"> • The proposal to remove 3C and 3D from the impoundments that have a dike level below 4,208 is inappropriate.

U.S. Fish & Wildlife Service, Larry Crist		4,208 ft.	<ul style="list-style-type: none"> We disagree that classes 3D and 3D do not apply to the Crystal Unit at Farmington Bay and the Layton Wetland Preserve that are outside of existing dikes and yet are freshwater. We are not sure of their elevation, but should be treated as freshwater wetlands.
U.S. Fish & Wildlife Service, Larry Crist EPA, Dave Moon		Site Specific Criteria	<ul style="list-style-type: none"> See comments. Site specific standards must follow UAA formal format. They can not be “tag alongs” on a TMDL submission.
U.S. Fish & Wildlife Service, Larry Crist		4,208 ft.	<ul style="list-style-type: none"> The rule does not properly address those freshwater wetlands that have dike elevations below 4,208. That intent needs to be clarified.
U.S. Fish & Wildlife Service, Larry Crist		12.5 mg/kg	<ul style="list-style-type: none"> We recommend a No Effect selenium standard (5 mg/kg) for Gilbert Bay. The EC10 standard only considers avian reproduction and does not address non reproductive effects.
U.S. Fish & Wildlife Service, Larry Crist		Assessment Methodology	<ul style="list-style-type: none"> An assessment Methodology would not be required if the State would adopt the standard at 5 mg/kg. Add brine shrimp triggers tht protect the non-breeding migratory birds and the Artemia cyst industry.
U.S. Fish & Wildlife Service, Larry Crist		7Q10 / Average Flows	<ul style="list-style-type: none"> Remaining assimilative capacities in rivers should be based upon 7Q10 values rather than average flows.
U.S. Fish & Wildlife Service, Larry Crist		4,208 ft	<ul style="list-style-type: none"> Farmington Bay Open water below 4,208 is shown as 5C. It should be 5D.
U.S. Fish & Wildlife Service, Larry Crist		Brine Shrimp Industry	<ul style="list-style-type: none"> Our recommendation of 5 mg/kg would obviate concerns with concentrations in brine shrimp tissues.
US Magnesium LLC, , David Gibby	801-532-2043	Assessment Methodology	<ul style="list-style-type: none"> Do not support or concur with the implementation methodology. It is arbitrary and potentially ineffective. It without any substantive explanation, supporting documentation, or justification. It appears to be inconsistent with other programs administered by DWQ.
West Jordan, Gary Luebbers	801-569-5000	12.5 mg/kg Standard	<ul style="list-style-type: none"> Agree with this proposed standard.
West Jordan, Gary Luebbers	801-569-5000	Assessment Methodology	<ul style="list-style-type: none"> Disagree with the proposal to place caps on selenium loading in Great Salt Lake discharge permits at 60 percent of the proposed standard level. This is a <i>de facto</i> selenium standard placed at 60

			percent of the number derived through appropriate scientific studies.
WaterPro, Inc. A Draper Irrigation Company, Darrin Jensen	801-571-2232	12.5 mg/kg Standard	<ul style="list-style-type: none"> We agree with this proposed standard.
WaterPro, Inc. A Draper Irrigation Company, Darrin Jensen	801-571-2232	Assessment Methodology	<ul style="list-style-type: none"> We disagree with the proposal to place caps on selenium loading in Great Salt Lake discharge permits at 60 percent of the proposed standard level. This is a <i>de facto</i> selenium standard placed at 60 percent of the number derived through appropriate scientific studies.
Water Resources, Gregory Williams	801-538-7261		<ul style="list-style-type: none"> All the “high quality” references have not been deleted. Criteria and criterion need to be checks for number. See email for other minor typos and suggestions.
Western Resource Advocates, Joro Walker	801-487-9911	Additional Primary Contact Designations	<ul style="list-style-type: none"> Supports
Western Resource Advocates, Joro Walker	801-487-9911	Clarification of Primary Contact Definition	<ul style="list-style-type: none"> Supports
Western Resource Advocates, Joro Walker	801-487-9911	Change in DO Averaging Period	<ul style="list-style-type: none"> Supports
Western Resource Advocates, Joro Walker	801-487-9911	Retention of Max. E. coli criterion.	<ul style="list-style-type: none"> Supports but urges strengthening the criterion.
Western Resource Advocates, Joro Walker	801-487-9911	Allowing 10% of Samples to Violate Standards	<ul style="list-style-type: none"> Opposes: Does not take into toxics, bioaccumulative pollutants or parameters impacting human health. This changes every criteria to be less protective in one fell swoop.
Western Resource Advocates, Joro Walker	801-487-9911	GSL Segmentation	<ul style="list-style-type: none"> Opposes: Four of the five proposed classifications do not meet federal standards for removal of the primary recreation use. The

			Division is illegally proposing to remove an existing use.
Western Resource Advocates, Joro Walker	801-487-9911	Antidegradati on	<ul style="list-style-type: none"> • Changes are a step forward but has remaining grave concerns.
Western Resource Advocates, Joro Walker	801-487-9911	Beneficial Uses	<ul style="list-style-type: none"> • Opposes changes in other beneficial use designations and the establishment of site specific standards for TDS.
Western Resource Advocates, Joro Walker	801-487-9911	Mixing Zones	<ul style="list-style-type: none"> • Opposes mixing zones.
West Jordan, Gary Luebbers	801-569-5000	12.5 mg/kg Standard	<ul style="list-style-type: none"> • Agree with this proposed standard.
West Jordan, Gary Luebbers	801-569-5000	Assessment Methodology	<ul style="list-style-type: none"> • Disagree with the proposal to place caps on selenium loading in Great Salt Lake discharge permits at 60 percent of the proposed standard level. This is a de facto selenium standard placed at 60 percent of the number derived through appropriate scientific studies.
William Wuerthele	Denver, CO	12.5 mg/kg Standard	<ul style="list-style-type: none"> • The standard does not identify whose “egg/embryo” is to be used. Identify by “.....using the aquatic-dependent birds using Gilbert Bay” • This may be the first wildlife standard in the country and may set a precedent that wildlife criteria should be set no higher than an EC10.