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AUG 26 2008

DIVISION OF
WATER QUALITY

August 19, 2008

Dr. William Moellmer
Via Email

Subject: Comments to Proposed Amendments to the Standards of Quality for Waters of the State, R317-2 – Great Salt Lake Selenium Standard

Dear Moellmer:

We have reviewed the proposed amendments to the standards of quality for waters of the State proposed for Rule R317-2 of the Utah Administrative Code. We desire to submit comments on the proposed standard for selenium in the open waters of Gilbert Bay. This issue is important to us because of the need to protect the Great Salt Lake ecosystem and the need to provide for increased public water supplies for a rapidly growing human population in Salt Lake Valley. Specifically, the demineralization of water sources in Utah and Salt Lake counties would produce by-product water which may be feasibly be discharged to Gilbert Bay.

We note that the proposed selenium water quality standard consists of two components. The first component is a tissue-based standard of 12.5 mg/kg dry weight using bird eggs. We agree with this proposed standard, and appreciate the extensive studies that have been performed over the previous four years to arrive at this number.

We also agree with the second component, that of establishing assessment procedures for Gilbert Bay waters which would allow for monitoring and taking increased actions if selenium concentrations are found to increase toward to the standard in future years. However, we disagree with the proposal to place caps on selenium loading in Great Salt Lake discharge permits at a 60 percent of the proposed standard level. We see this as a defacto selenium standard placed at 60 percent of the number derived through appropriate scientific studies.

We request that the implementation of annual selenium loading caps at levels below the selenium standard not be included within the proposed assessment procedures. We appreciate the opportunity to comment on this important water quality and standards issue.

Respectfully submitted,

Reed Bodell



DWQ-2008-001406

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CENTRAL DAVIS SEWER DISTRICT

August 14, 2008

William Moellmer
Utah Division of Water Quality
PO Box 144870
Salt Lake City, UT 84114-4870

Subject: Comments on proposed amendments to the
Standards of Quality for Waters of the State,
R317-2, Utah Administrative Code.

Dear Bill,

Central Davis Sewer District has the following concerns with the proposed Water Quality Rules R317-2 changes.

The proposed antidegradation rule changes may require an increasing number of Level II reviews. For the new Category 3 waters, the imposition of a Level II review if the pollutant of concern exceeds 75% of the standard down stream of the mixing zone imposes a defacto standard that has to be met before the actual standard is exceeded. The need or benefit of Level II reviews for the District as a result of this change is questionable. The existing standards have a significant level of conservatism without an additional review being imposed.

EC-10 value relating to the development and proposal of a selenium standard for the Great Salt Lake Gilbert Bay is too cautious. While the need for a conservative standard is understood, there is substantial conservatism built into the development process, such as use of the mallard sensitivity. Prior standards established by the State have been based on an EC-20. An EC-20 value was in the range recommended by the science panel and EPA proposed fish tissue value is based on an EC-20, as such, this standard should have been based on the EC-20.

As stated above the use of an EC-10 is very conservative, however Footnote #14-Assessment Procedure goes further and establishes a more restrictive standard. At 60% of the standard, all point source loads are capped. At 80% of the standard, load reductions are evaluated. These assessment procedures establish an actual standard or limit below the scientifically defensible value, and are unduly restrictive. If the basis or need for this assessment procedure is antidegradation, then the new antidegradation standard should be applied. If the most stringent standard applied by EPA is an EC-10, it appears that this

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assessment procedure is more restrictive than the federal standard and is therefore in violation of the State Code 19-5-105, which restricts the authority to establish more stringent limits. Nothing in the science panel development documents and associated research suggest that the EC-10 value is not protective in and of itself. As such, the assessment procedure is not only unnecessary, but it fails to meet the code stipulation that the EC-10 without the assessment procedure is "not adequate to protect public health and the environment of the state".

Thank you for the opportunity to comment on the proposed changes.

Sincerely,

A handwritten signature in cursive script that reads "Jill S. Houston".

Jill S. Houston
Central Davis Sewer District
2200 South Sunset Dr.
Kaysville, UT 84037