



Clean Water Is A Community Solution

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Comments Regarding Proposed Settlement Agreement Between Chevron Pipeline and Utah Division of Water Quality and Salt Lake City

Docket Number I10-1, Settlement Agreement, Red Butte Creek Oil Spill

Great Salt Lakekeeper is writing on behalf of our over 500 constituents, many of whom live in Salt Lake City, to provide public comment regarding the proposed settlement agreement between Chevron Pipeline, the Utah Division of Water Quality and Salt Lake City in settlement of damages to public trust resources and public uses associated with the 2010 Red Butte Creek Oil Spill.

Great Salt Lakekeeper opposes the amounts proposed for settlement of fines and mitigation of impacts to the public and Red Butte Creek and lost uses. The amounts proposed are too small compared to the actual damages to public resources and lost uses caused by the Red Butte Creek Oil Spill. Also, we oppose the process for determining these proposed amounts and application of the fines and mitigation monies.

Great Salt Lakekeeper recommends that the Red Butte Creek Citizens' Committee be reconvened to discuss this matter and provide input into the process for determining the amounts levied against Chevron Pipeline for mitigation projects and lost uses. We oppose the process for Chevron Pipeline to draft their own mitigation plan and the Utah Division of Water Quality approving the proposed mitigation plan and projects. We also oppose the process of Chevron Pipeline simply paying \$1,000,000 to Salt Lake City and the City using the money any way it seems fit without public input or oversight.

In calculating the amounts for mitigation projects and lost uses, the public cannot determine how the Division and the City came up with the proposed dollar amounts for mitigation and compensation for lost uses. No rationale has been provided to the public to show how these amounts were calculated or if these amounts adequately address the impacts and lost uses caused by the oil spill. Great Salt Lakekeeper recommends that the City and the Division facilitate a public meeting to discuss these matters with the Red Butte Citizen's Committee before any agreement is approved and finalized. For example, there is no evidence that the Division or the City ever calculated the lost use of the Jordan River during the summer of 2010 caused by the closure of the river for recreational boating. Also, there is no evidence that any mitigation funds or lost use monies will be used to enhance recreational boating, which was negatively impacted by the oil spill. Great Salt Lakekeeper suspects that the City will not use any of the lost use funds to enhance recreational boating along the Jordan River.

Great Salt Lakekeeper further recommends that during the 90-day period following adoption of the agreement, the City and the Division reconvene the Red Butte Creek Citizens' Committee to discuss the proposed mitigation plan and make recommendations for use of all monies approved by the proposed agreement. More specifically, Great Salt Lakekeeper recommends that significant funds be set aside to fund design and construction of recreational boating facilities along the Jordan River from 2100 South to Center Street in Davis County, and that these funds be set aside in an account that is not controlled by Salt Lake City to guarantee their use for this project. Great Salt Lakekeeper recommends that these funds be transferred to the Jordan River Foundation, which is gearing up to raise funds for recreational boating enhancements along the Jordan River. The basis for this project would be the Salt Lake County Water Trail Plan for the Jordan River which specifies the locations of enhanced boating facilities. The City should not be allowed to control these funds given their recent history in removing and canceling projects to enhance recreational boating facilities along the Jordan River. Also, Great Salt Lakekeeper recommends that mitigation funds be used to design and construct stormwater containment structures to trap and prevent chemical and solid waste pollution from entering the Jordan River.

Until a more open and publicly driven settlement agreement can be developed, Great Salt Lakekeeper cannot support the proposed settlement agreement.

Respectfully,

A handwritten signature in cursive script that reads "Jeff Salt".

Jeff Salt
Executive Director and Lakekeeper

10