

July 14, 2014

Jeff Salt
Executive Director
Great Salt Lakekeeper
PO Box 522220
Salt Lake City, UT 84152

James Harris
Utah Division of Water Quality
Multi Agency State Office Building
195 North 1950 West, DEQ Third Floor
Salt Lake City, Utah 84114

Re: Utah Integrated Report, 2012 - 2014

Dear Mr. Harris,

Great Salt Lakekeeper is writing to provide public comment regarding the 2012 – 2014 Integrated Report. Our comments are focused on two areas of the report, which include mercury sampling and the narrative standards enforced by the Division.

In Chapter 2 of the Integrated Report, it is stated that the State utilizes the FDA's mercury screening value for assessment of water quality and potential listing of a waterway on the State's 303(d) list as compared to the EPA's mercury screening value for issuing fish consumption advisories, which can be used to list a waterway on the 303(d) list. We believe this use of the FDA's mercury screening level leads to confusion and inconsistency in assessing impaired waterways. We further believe that the EPA mercury screening level should be used for both the issuance of fish consumption advisories and assessment of impairment and listing of waterways in the 303(d) list for consistency and providing a more protective standard for the public.

Another aspect of the mercury testing and analysis that we would like to comment on that is not expressly stated in the Integrated Report is the methodology used for collecting and analyzing fish tissue samples for contaminants. Currently, the State collects fish samples through an opportunistic partnership arrangement with the Division of Wildlife Resources, which limits and skews the samples collected for analysis. We recommend that the Division improve the fish tissue collection protocol by collecting predetermined sample sizes of specific age and size

classes of carefully targeted fish species, rather than the uncertain samples sizes of unspecified age and size classes of random fish species currently collected from DWR's collection efforts. By focusing on carefully planned sample sizes of specified age and size classes of targeted fish species, the Division can improve its data analysis and provide better assessment of water quality and protection of public health. The Division should revise its sampling rules and methodology to more closely resemble the rule for collecting water column samples, especially with respect to minimum sample sizes. Also, we recommend that the Division not use averaged or blended samples to provide more specific data on bioaccumulation, which is essential with mercury contamination. Finally, we recommend the Division amend its mathematical analysis methodologies to provide better data regarding contamination by age and size class of fish.

Our second comment involves the State's enforcement of the narrative water quality standards. Currently, the State declares that it is unlawful for anyone to *“discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms ...”* (Utah Administrative Code, R317-2-7.2). For several years, our organization and others have complained to the Division that it is not enforcing the narrative standards, especially with respect to the discharge of floating debris and off-flavor in fish resulting from the discharge of pollutants. This lack of enforcement is particularly evident along the Jordan River, where floating debris has remained a chronic problem, and where fish are not edible due to the off-flavor resulting from chemicals discharged into the river. We believe the Division is in violation of its own rule and the Clean Water Act by not establishing criteria for these parameters and not enforcing the law. We insist that the Division take all necessary actions and steps to address these problems and comply with the law.

Sincerely,

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

Jeff Salt