



southern
utah
wilderness
alliance

October 20, 2014

VIA ELECTRONIC MAIL (jamesharris@utah.gov)

Utah Department of Environmental Quality
Division of Water Quality
ATTN: James Harris
P.O. Box 144870
Salt Lake City, UT 84114-4870

Re: Comments on the Revised Draft 2012-2014 Integrated Report

Dear Mr. Harris:

The Southern Utah Wilderness Alliance (SUWA) appreciates the opportunity to submit these additional comments on the Utah Department of Environmental Quality, Division of Water Quality's (DWQ), consolidated 2012-2014 revised draft Integrated Report (IR). We appreciate the DWQ's efforts to complete this report in a timely manner. SUWA reserves the right to supplement these comments as additional information becomes available. SUWA also incorporates its previous comments on the consolidated IR by reference.

The IR Does Not Contain the Most Up-to-Date Data and Information

The IR still does not accurately reflect current water quality conditions in the State of Utah. In response to SUWA's earlier comments that DWQ did not sufficiently pursue all reasonably available sources of data in compiling the IR, DWQ stated that "the time and effort to format and evaluate the data for comparability with other data sources would prevent [the agency] from completing the IR in a timely fashion." See DWQ, Response to Comments on the Utah Division of Water Quality's 2012-2014 Integrated Report at 23; see also *id.* ("DWQ will not be able to integrate the [United States Geological Survey] data due to the time and effort involved in formatting and comparing to other data sources."); but see 40 C.F.R. § 130.7(b)(5) (a state's water quality report must include "[a]t a minimum all existing and readily available water quality-related data and information") (quotations omitted).

The DWQ must “assemble and evaluate all existing and readily available water quality data and information” which includes “[w]aters for which water quality problems have been reported by . . . members of the public.” 40 C.F.R. § 130.7(b)(5)(iii). Here, DWQ is already more than two-years late in the preparation of the 2012 IR and more than six months late in the preparation of the 2014 IR. DWQ must include all readily available water quality data and information to ensure that the data released and included in the final document is as up-to-date and accurate as possible. This includes the use of data and information collected and obtained from 2011 to the present, including the data referenced by SUWA in our previous comments. At a minimum, DWQ should issue a revised IR prior to its 2016 IR that incorporates this and all other relevant data and information. *See* 40 C.F.R. § 130.10(b)(2) (“each state [shall] . . . revise as necessary the . . . [i]dentification of water quality-limited waters still requiring [total daily maximum loads], pollutants, and the priority ranking” of such waters).

The DWQ Must Explain Why Certain Water Segments And/Or Pollutants Were Removed From The Proposed 303(d) List

The IR must contain a rationale for why certain waters and/or pollutants are not listed in the revised IR when they were listed in the first draft released in May 2014. The State of Utah through DWQ “shall provide documentation . . . to support the [agency’s] determination to list or not list its waters.” 40 C.F.R. § 130.7(b)(6). This explanation must include “a rationale for any decision to not use any existing and readily available data and information.” *Id.* § 130.7(b)(6)(iii).

Many changes to the 303(d) list were made in the revised IR and DWQ must provide an explanation, with supporting documentation, for why these changes were made. For example, the river segment referred to as “Colorado River-3” was changed from Category 5 (impaired) to Category 4A (TMDL completed for pollutant). *Compare* First Draft IR at 11, *with* Revised Draft IR at 28. However, no approved TMDL for Colorado River-3 appears on DWQ’s “Approved TMDLs” list. *See* DWQ, Watershed Management and Planning, Approved TMDLs, <http://www.waterquality.utah.gov/TMDL/approvedtmdls.htm> (last updated June 25, 2014). Salt Wash which flows through Arches National Park and Salt Creek which flows through Canyonlands National Park both were changed from Category 5 (impaired) to Category 3 (insufficient data), respectively. *Compare* First Draft IR at 12, 14, *with* Revised Draft IR 37. Moreover, the river segment referred to as “Green River-5” was changed from Category 5 (impaired) to Category 1 (supporting). *See* First Draft IR at 20, *with* Revised Draft IR at 78. Finally, in the revised IR “Kanab Creek-1” is no longer listed as impaired on account of copper, iron, lead, or zinc, even though these impairments were included in the first draft IR released only a matter of months earlier. *Compare* First Draft IR at 32, *with* 113.

The above mentioned changes are a non-exhaustive list of those made in the IR since the close of the initial comment period in July 2014. DWQ is required to provide a justifiable rationale for why waters switched categories, pollutants were removed, and waters were not listed on the final 303(d) list.

SUWA appreciates your consideration of these comments.

Sincerely,

/s/

Landon Newell
Staff Attorney