



southern
utah
wilderness
alliance

July 14, 2014

VIA ELECTRONIC MAIL (jamesharris@utah.gov)

James Harris
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

Re: Comments on Draft 2012-2014 Integrated Report

Dear Mr. Harris:

The Southern Utah Wilderness Alliance (SUWA) is pleased to submit the following comments on the Utah Division of Water Quality's consolidated 2012-14 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.

Insufficient Data

SUWA is concerned that DWQ did not sufficiently pursue all reasonably available sources of data in compiling the IR.

The Clean Water Act requires the State of Utah to submit its 303d list to EPA by April 1 of every even numbered year for its review and approval or disapproval. 33 U.S.C. § 131(d)(2); 40 C.F.R. §§ 130.7, 130.10, and 131.21. The State of Utah, through DWQ, did not submit a 303(d) in 2012 or 2014 as required. In addition, SUWA's review of DWQ's "Public Notice Archive" indicates that DWQ did not issue a Notice of Data Request in either 2011 or 2012. *See* <http://www.waterquality.utah.gov/PublicNotices/pnarchive2011.htm> and <http://www.waterquality.utah.gov/PublicNotices/pnarchive2012.htm>. Indeed, it was not until 2013 that DWQ issued a "Notice of Data Request for Clean Water Act Section 305(b) State Water Quality Assessment Integrated Report 2014." *See* http://www.waterquality.utah.gov/PublicNotices/docs/2013/Misc/2014_Public_Notice_Request_For_Data_Website.pdf. The deadline for submitting data for the 2014 IR was March 22, 2013.¹

¹ The IR asserts that DWQ reaches out to stakeholders through formal and informal means to solicit responses to its Notice of Data Request. IR Chapter 1, at 11; *id.* Chapter 2, at 10. SUWA was not able to verify these outreach efforts, with the exception of the 2013 public notice referenced above.

Based on its review of the IR and conversations with DWQ, BLM, and DOGM staff SUWA is concerned that DWQ did not obtain relevant and readily available data for use in the IR. *See* IR Chapter 2, at 10 (“Whenever possible, the aim of DWQ is to obtain all data and information with sufficient time to compile the information by April of odd years.”). For example, though the IR states that “DWQ routinely obtains and analyzes data collected and processed by the United States Geological Survey,” *id.*, the IR in fact does not reflect USGS’s data for the period of 2010-2013. This is a significant omission.

In addition, SUWA believes that in preparing the IR DWQ did not obtain or consider relevant water quality data required to be compiled by oil and gas operators in Uintah, Duchesne, and Carbon Counties. For example, BLM’s 2010 West Tavaputs full field development environmental impact statement called for the establishment of five (5) new surface water quality monitoring sites in the Nine Mile Canyon drainage, in addition to the five existing Utah STORET locations. *See* West Tavaputs full field development record of decision², Attachment 7 (Long Term Monitoring for Water Resources), at unpaginated 2 (attached hereto). Likewise, BLM’s 2012 Greater Natural Buttes Infill environmental impact statement called for the installation of ten (10) new monitoring sites in the Uinta Basin (White River, Bitter Creek, Bitter Creek, Willow Creek, Cottonwood Wash, and Coyote Wash). *See* Greater Natural Buttes record of decision³, Appendix C (Long-Term Monitoring Plan for Water Resources), at C-7 to -8 (attached hereto). Appendix C also identifies several USGS monitors in the Greater Natural Buttes project area, none of which are referenced in the IR. *See id.* at C-3 to -4; *see also id.* at C-5 (map depicting Greater Natural Buttes project area and USGS monitoring locations).

It is critically important that before DWQ sends the IR to EPA for review, it assess what data was collected through the 2013 Notice of Data Request and what other information should have been obtained, but was not. This would include insuring that USGS’s data is fully incorporated into this IR and not deferred for a later IR. DWQ’s refusal to do so would call the accuracy and integrity of the IR into question. For example, waterbodies that DWQ has identified as a “category 3” – insufficient data – may instead be accurately classified as supporting designated uses or not. Likewise a DWQ determination that a certain waterbody is not meeting designated uses but a TMDL is not required (“category 4”) may instead be classified as requiring a TMDL. DWQ is already late in submitting the 2012 and 2014 IRs to EPA; it should not hurry to submit these reports without insuring that they are using all readily available data. DWQ should also insure that it has the most current data produced pursuant to various federal agency approved projects, including Greater Natural Buttes and West Tavaputs.

TMDL Priority

SUWA is particularly interested in seeing improved water quality in streams within several watersheds, including: Colorado River Southeast, Lower Colorado, Colorado River West, and

² The complete copy of the record of decision is available online here: http://www.blm.gov/ut/st/en/fo/price/energy/Oil_Gas/record_of_decision.html.

³ A complete copy of the record of decision is available online here: <http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa.html>.

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Re: 2014 IR

Uinta. Despite the fact that numerous streams have been identified as not supporting their designated uses in these watersheds, the overwhelming majority of these streams have been identified as low or medium priority for completion of a TMDL. We would appreciate the opportunity to meet with you and your staff and better understand the methodology used to prioritize the preparation of certain TMDLs over others.

Thank you for your attention to these comments. Feel free to contact me with questions or to arrange a meeting: 801.428.3981 or steve@suwa.org.

Sincerely,

/s/

Stephen Bloch
Legal Director