



UTAH DEPARTMENT of  
ENVIRONMENTAL QUALITY  
**WATER  
QUALITY**

**RESPONSIVENESS SUMMARY  
2017 Water Quality Standards Triennial Review**

**October 4, 2017**

- I. Public Notice
- II. Public Comments and Division of Water Quality (DWQ) Responses organized by appearance in UAC R317-2
- III. Comments Received-originals
  - a. United States Environmental Protection Agency
  - b. Southern Utah Wilderness Alliance
  - c. Western Resource Advocates
  - d. Public Hearing
- IV. Updated Standards Tracking Worksheets



## I. Public Notice





State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
*Director*

February 19, 2017

DIVISION OF WATER QUALITY  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
PUBLIC NOTICE OF 2017 WATER QUALITY  
STANDARDS TRIENNIAL REVIEW

PURPOSE OF PUBLIC NOTICE

The purpose of this public notice is to declare a public hearing and comment period to solicit public and other stakeholder comments on water quality standards revisions to be considered during the 2017 water quality standards triennial review.

BACKGROUND

To meet our obligations under the Clean Water Act, DWQ is required to review Utah's Water Quality Standards in [Utah Administrative Code R317-2](#) at least once every three years. As part of this review, DWQ is soliciting input from the public and interested parties regarding standards topics to be considered during the review including any specific changes to Utah's Standards of Quality for Waters of the State. When appropriate, the rationale and any supporting information should be included with the recommendations.

The Division of Water Quality will discuss the comments with the Utah Water Quality Standards Workgroup, inform the Utah Water Quality Board at a regularly scheduled meeting, and then issue comment responses. More information, including a list of revisions currently being considered is available <http://www.deq.utah.gov/ProgramsServices/programs/water/wqmanagement/standards/triennialrev.htm>.

PUBLIC COMMENTS

Public comments are invited any time prior to the deadline of the close of business on March 22, 2017. Written comments can be submitted to: Chris Bittner, Utah Division of Water Quality, P.O. Box 144870, Salt Lake City, Utah 84114-4870 or by email at: [cbittner@utah.gov](mailto:cbittner@utah.gov). Recommendations can also be submitted orally at a public hearing on Monday, March 13, 2017, 6:00-7:00 PM, Room 1015 at the Multi Agency State Office Building, 195 North 1950 West, Salt Lake City, UT.

195 North 1950 West • Salt Lake City, UT  
Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870  
Telephone (801) 536-4300 • Fax (801) 536-4301 • T.D.D. (801) 903-3978



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### WYSIWYG Content

February 19, 2017

### DIVISION OF WATER QUALITY UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY PUBLIC NOTICE OF 2017 WATER QUALITY STANDARDS TRIENNIAL REVIEW

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UPAXLP

Run Date	Product	Placement	Rate	Disc/Prem	Color	Pickup
02/19/2017	Salt Lake Tribune	Legal Liner Notice			\$0.00	\$0.00
02/19/2017	Deseret News	Legal Liner Notice			\$0.00	\$0.00
02/19/2017	utahlegals.com	utahlegals.com			\$0.00	\$0.00



## Standards Tracking Sheets Available During Public Notice



Utah Water Quality Standards Ongoing Review Topics Workplan

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
1C Triennial Review							
2 Scope							
3 Antidegradation Policy							
4 Colorado River Salinity Standards							
5 Mixing Zones							
6 Use Designations							
7 Water Quality Standards							
	Variance policy	High	High	2012	Chris Bittner, DWQ		Time needed to complete analyses for nutrients but policy extends beyond nutrients. Variance policy may not be necessary because USEPA will review all variance requests.
8 Protection of Downstream Uses							
9 Intermittent Waters							
10 Laboratory and Field Analyses							
11 Public Participation							
12 Category 1 and Category 2 Waters							
13 Classification of Waters of the State							
	Add footnotes when a site-specific criterion applies with different footnotes for site-specific criteria based on recalculation and site-specific criteria based on a use attainability analysis.	Low	Low	2016	Chris Bittner, DWQ	2017	This will help to ensure that appropriate criteria are applied
	Reclassify Pineview Reservoir, Weber River WMU, from 3A to 3B	Low	Medium	2002	Kari Lundeen DWQ		Recommendation of the 2002 TMDL
	Change beneficial uses of Salteratus Creek, Bear River WMU, from 3A to 3D	Low	Low	2013	Mike Allred, DWQ		DWQ no longer assesses Salteratus Creek, TMDL has most of work done.
	Change beneficial use of Recapture Reservoir, Colorado River Southeast, from 3A to 3B	Low	Medium	2013	Mike Allred, DWQ		Recommendation of TMDL
	Assign Beneficial Uses to Red Creek (Iron County), Cedar/Beaver WMU	Low	Low		Scott Daly, DWQ		Red Creek (Iron County) does not have specifically assigned uses and is therefore designated as Classes 2B, 3D (R317-2-13.13). An associated reservoir, Red Creek Reservoir (Iron County) has designated uses of Classes 2B, 3A, and 4. Red Creek upstream and downstream of the reservoir are recommended to include the same designated uses as the associated reservoir.
	Reclassify Mill Creek (Moab) from Class 2B to 2A	Low		2015	Arne Hulquist, Watershed Coordinator	2017	Change is supported by photographs, internet entries, a letter from the BLM, and the local watershed chapter.

2/3/2017 2017

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Utah Water Quality Standards Ongoing Review Topics Workplan

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Reclassify Utah Lake from Class 2B to 2A	Low	Medium	2015	Erica Gaddis, DWQ	2017	Utah Lake supports extensive frequent primary contact via water skiing and wake boarding.
	Review beneficial uses for Willard Spur, Bear River Bay, Great Salt Lake	High	Medium	2011	Jeff Ostermiller, DWQ	2017	Pending recommendations of ongoing studies
	Add Class 1C to Battle and Grove Creeks, Utah County	Low	Low	2016	American Fork City	2017	
<b>14 Numeric Criteria</b>							
	Resolve EPA disapproval of Great Salt Lake selenium Antidegradation Trigger	Low	Low	2012	EPA	2017	USEPA disapproved because inconsistent with EPA ADR Policy but has little affect on requirements
	Adopt updated aquatic life water quality criteria for chloride	Low	Medium	2011	EPA		USEPA updated AWQC. Adoption was delayed in 2011 until DWQ can evaluate the applicability to Utah of the USEPA default chloride standard. Aquatic life criteria for ions (e.g., TDS) in needed.
	Review iron criteria for dissolved and total	Medium	Medium	2011 & 2014	EPA		Iron criteria may have been erroneously changed to dissolved when other metals were changed to dissolved although absent a dissolved to total translator, 1 is assumed resulting in implementation as a totals criterion. However, the criterion could be modified site-specifically by measuring the dissolved fraction potentially resulting in an inappropriate modification to the criterion.
	State-wide nutrient criteria: numeric nutrient criteria for casual and response variables for streams/rivers and lakes/reservoirs	High	High	2011	Jeff Ostermiller, DWQ		2014 focus in on technology-based standards for N and P. Work on use-based criteria for headwaters is ongoing in 2016.
	Jordan River site-specific temperature and TDS	High	High	2011	Hilary Arens DWQ	2017	post TMDL, 2016 additional data is being collected.
	Site-specific TDS Standard Antelope Creek, Uinta WMU	High	High	2013	DWQ TMDL	2015	post TMDL
	Adopt carbaryl criteria consistent with EPA 2013	Low	Medium	2014	EPA	2017	2nd most frequently detected insecticide in water. DWQ to investigate if Dept. c
	Adopt methylmercury criterion consistent with EPA 2000	Medium	High	2011 & 2014	EPA		Multiple implementation considerations, implementation methods should be developed prior to adopting tissue-based std. The 2016 EPA selenium criteria are also tissue-based, and implementation methods will be developed in tandem for both selenium (tissue-based) and methylmercury.
	Methylmercury criterion Implementation	High	High	2011	Chris Bittner, DWQ		Need implementation methods prior to promulgating methyl mercury standard
	Resolve the units for phenol in the aquatic life table.	Low	Low	2012	Chris Bittner, DWQ		EPA no longer has aquatic life criteria for phenol, so criteria could potentially be deleted



Utah Water Quality Standards Ongoing Review Topics Workplan

Rule R317-2	Standards Issues						
		DWQ LOE	Priority	Date Rqst	By	When	Notes
	Adoption of the new ammonia criteria consistent with EPA 2013 and implementation methods	High	High	2014	EPA		Historical surveys ongoing, expected completion in 2017



**Utah Water Quality Standards Work Plan Future Topics**

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Antidegradation Policy; Implementation Guidance; Complete Category Section Complete 401, 402, and General Permits Program	Medium	Medium	2011	Nicholas Von Stackelberg, DWQ		No additional revisions anticipated for 2016
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
	Develop a mixing zone policy specifically for effluent dependent dry washes	High	High	2011	Nicholas Von Stackelberg, DWQ		Other States (e.g., WY, AZ) have use classes for effluent dependent waters but no specific waters have been classified as effluent-dependent. This suggests that these approaches may not be regulatorily viable.
	Evaluate applicability of current mixing policy for effluent dependent/dominated Great Salt Lake wetlands	High	High	2013	Leland Myers, CDSD		Current EPA Region 8 policy is no mixing zones for wetlands. Implementation of any numeric criteria for Great Salt Lake will require that implementation methods be developed. This topic will be considered at that time.
<b>6 Use Designations</b>							
	GSL wetlands - beneficial uses for different wetland types	High/Med	High	2011	Toby Hooker, DWQ		Wetlands work is ongoing. This task is archived until a potential change to standards is identified.
	Implement identification numbers to provide consistency between standards, assessment, and TMDLs (e.g., NHD)	Medium	Low	2011	Chris Bittner, DWQ		Need to decide on best identifier. Small LOE from WQS Workgroup, large effort DWQ to implement
	Develop tiered aquatic life beneficial uses	High	Low		Jeff Ostermiller, DWQ		In the interim, site-specific standards can be applied.
	Review Beneficial Use Class 3C	Medium	Low				Review the distinction between game and nongame fish
	Assign Beneficial Uses to Lee Creek	Medium	Low		Nicholas Von Stackelberg, DWQ		Lee Creek is currently assigned the default uses of Class 2B, and 3D.
<b>7 Water Quality Standards</b>							
	GSL wetlands - validation of assessment methodology	High/Med	High	2011	Toby Hooker, DWQ		Wetlands work proceeding to determine beneficial uses
	Revise standards to indicate that the criterion is the greater of ambient or use-based criterion.	Low	High	2013	Chris Bittner, DWQ		Utah Standards already allow for setting site-specific standards. However, without the proposed change, Utah is obligated to list assessment units as impaired until a site-specific standard is promulgated even if the USEPA approved TMDL concludes that the source of the impairment is not anthropogenic. A rule change would allow the State to avoid listings these sites as impaired. From USEPA's 2014 Integrated Report memorandum: "States may have natural background provisions in EPA approved water quality standards that specify the applicable aquatic life water quality criterion will be equal to the natural background level of a pollutant if it is determined that the natural background level is less stringent than the otherwise applicable criteria. In the absence of a natural background provision in an EPA approved water quality standard or a site-specific criterion based on natural background, the otherwise applicable criterion is the basis for determining whether a waterbody is impaired." In 2016, this change was proposed and during the rule comment period, EPA indicated that it would not be approvable. In EPA's comments, they indicated that one key deficiency was the lack of a definition of "natural." Montana is currently working on definitions in response to State legislation. Utah will wait the outcome of Montana's rulemaking.
<b>8 Protection of Downstream Uses</b>							
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
<b>12 Category 1 and Category 2 Waters</b>							
<b>13 Classification of Waters of the State</b>							
<b>14 Numeric Criteria</b>							



Utah Water Quality Standards Work Plan Future Topics

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
	Delete pH and DO standards for all wetlands. Replace with a multi-metric index type approach.	Med/High	Low	2011	Jeff Ostermiller, DWQ		Pending validation and applicability of MMI
	Develop an action planning process when an MMI Analysis does not show a wetland meets an acceptable quality level as compared to the reference wetland. This would include the an analysis of beneficial use protection and would be in conformance with recommendations from the National Academy of Sciences TMDL Report (see page 49).	Medium	Low	2011	Leland Myers, CDSD		Pending validation and applicability of MMI
	Develop numeric criteria for Gilbert Bay, Great Salt Lake	High	High	2012	Chris Bittner, DWQ		Bioassays ongoing
	Develop numeric criteria for Farmington Bay, Great Salt Lake	High	High	2012	Chris Bittner, DWQ		Develop resident species lists. Aquatic Life Use workshop held in 2015 and report issued that identifies key data gaps.
	Develop numeric criteria for Bear River Bay, Great Salt Lake	High	Medium	2012	Chris Bittner, DWQ		Develop resident species lists and determine if USEPA species deletion procedure can be applied. Aquatic Life Use workshop held in 2015 and report issued that identifies key data gaps.
	Revised temperature criteria and assessment methodology	High	Medium	2011	Chris Bittner, DWQ		New temperature listings could have a low priority (unless waterbody is receiving a thermal discharge), and potentially be delisted once standards are revised. May be able to build on approaches used by other states. Should include an allowance for excursions due to unusual weather. Can work with TMDL group to develop rationale for site-specific standards proposals until a state-wide approach can be developed
	TDS - explore dividing the agricultural use into livestock and irrigation and the necessary criteria to adopt those uses (e.g., adoption of EC/SAR criteria for irrigation, criteria for livestock)	High	Medium	2011	Chris Bittner, DWQ		Can work with TMDL group to develop rationale for site-specific standards proposals until a state-wide approach can be developed; Montana rules being challenged in court 2010.
	Update Human Health Criteria Table	Low	Medium		Chris Bittner, DWQ	2015	Pending finalization of updated criteria by EPA. Several of the criteria are inconsistent with USEPA. Footnote A should likely refer to Class 1C criteria and nothing in organism only column that is applicable to aquatic life.
	Averaging periods and assessment methods for high frequency temperature measurements	Medium	Low				
	Sevier River site-specific TDS standard	Low	Low	2015	Mark Stanger, DWQ		The standard from Gunnison Bend Reservoir to Clear Lake is incorrect because Sevier River doesn't flow into/out of Clear Lake. Craft Lake? Or take it to Sevier Lake?
	Evaluate existing DO standards and assessment methods for lakes and reservoirs	Medium	Medium	2012	Lareina Guenzel, EPA8	2016	Ensure that assessment methodology is consistent with dissolved oxygen standard for issues such as TMDL targets of 50% of the water column having sufficient DO or limiting the application of the standard to the epilimnion of stratified lakes.
	Update Cd Aquatic Life Criteria to be consistent with USEPA 2016	Low	Low	2016	Chris Bittner, DWQ	2017	Acute more stringent (2.0 to 1.8 ug/l) and chronic less stringent (0.25 to 0.72 ug/l). Cd does not have reasonable potential for any UPDES permit.



Utah Water Quality Standards Work Plan Resolved Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Revise requirement to do a level II ADR for Class 1C waters	Low	High	2014	Reed Obendorfer, CUP	Anticipated 2017	This requirement was added when Utah had several off ramps and Level II ADRs were not required. Under Utah's current approach, level II ADRs are required for all new or expanding discharges which meets the intent of the Class 1C requirement to do a level II ADR.
	Antidegradation Policy: Implementation Guidance: Complete Category Section Complete 401, 402, and General Permits Program	Medium	Medium	2011	Nicholas Von Stackelberg, DWQ	2013	The implementation guidance was originally part of the rule revision package. Changes to the guidance is not a standards change. DWQ's intent is to continue to use the WQS workgroup to review changes to implementation guidance.
	Change Categories 1, 2, and 3 to Tier 1, 2, and 3 to be consistent with Federal program and other States	Low	Low	2011	Chris Bittner, DWQ		Eliminate confusion regarding the nexus of Federal and State Rules. Utah's Categories don't match up with USEPA Tiers and DWQ decided not to pursue this change because the terminology between State and USEPA could not be reconciled without reworking the rule.
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
<b>6 Use Designations</b>							
<b>7 Water Quality Standards</b>							
	Modify standards to allow the use of the biotic-ligand model or water effects ratio for site-specific standards	Low	Low			Completed 2012	R317-2-7 was concluded to already allow for site-specific standards for a several reasons including the biotic-ligand model or water effects ratio.
	Revise "a less stringent criterion is appropriate because of natural or un-alterable conditions" to apply to any parameter, not just TDS and temperature	Low	Medium			Completed 2012	R317-2-7 was revised to allow for site-specific standards for a general reasons that would include the biotic-ligand model or water effects ratio.
	Assess Biotic ligand model for inclusion into zinc aquatic life standards	Medium	Low			Completed 2012	R317-2-7 allows for site-specific standards for a several reasons including the biotic-ligand model or water effects ratio. Currently, USEPA has not accepted a biotic-ligand model for pollutants other than copper.
	Revisions to narrative standard - expand to address biological condition	Med/Low	High			Completed 2013	Revisions will better align standards with assessments based on biology
<b>8 Protection of Downstream Uses</b>							
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
<b>12 Category 1 and Category 2 Waters</b>							
	Revise Category 1 descriptions for Oakley and Coalville WWTPs	Low	Medium			Completed 2012	Category 1 boundary is defined as US 189 which subsequently was moved with road construction. US189 is no longer a valid geographical residence. Reestablish Category 1 boundary in the same location with a new reference.



**Utah Water Quality Standards Work Plan Resolved Topics**

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	In R317-2-12.2 Revise Category 2 Fountain Green To Uintah, should be Category 3	Low	Medium			Completed 2012	This exception was inadvertently moved from R317-2-12.1 during the last rulemaking resulting in this reach being changed to Category 2 as opposed to being excluded from Category 1 (and by default, Category 3)
<b>13 Classification of Waters of the State</b>							
	Blue Creek Site-specific TDS Standard	Medium	High	2008	ATK	2014	Site-specific TDS standard adopted 2014.
	Revise upstream boundary for Spring Creek (Bear River WMU) site-specific TDS standard	High	Low	2011	Chris Bittner, DWQ		Existing boundary is US 89 which is downstream of the facility that instigated the investigation for a site-specific standard. 05/10/2011, no change necessary, boundary is the beginning of Spring Creek.
	Assign beneficial uses	Low	High			Completed 2012	Sand Hollow Reservoir; Big East Reservoir; Emigration Creek Red Butte Creek
	Change Recreation Beneficial Use	Low	Medium			Completed 2012	Restored Ogden River from 2B to 2A; Fremont River Capitol Reef from 2B to 2A; Hyrum Reservoir from 2B to 2A (already 2A, 05102011)
	Remove or define astericks in lake beneficial uses	Low	Low			Completed 2012	Delete 2B wherever more stringent 2A assigned
	Change Burriston creek to Currant Creek	Low	Low			Completed 2013	The WQ standards list the inlet stream for Mona Reservoir as Burriston Creek (see R317-2-13.5-c) However, the USGS maps and DWQ publications like "Utah's Priority Lakes and Reservoirs" describe the inlet and outlet stream as Currant Creek. There is a small group of ponds called "Burriston Ponds" located about 1.5 miles upstream from the inlet of Mona Reservoir near Currant Creek. I assume the use of Burriston Creek may be a local name, but I think Currant Creek is more official. In addition, the outlet stream of Mona Reservoir is known in the WQ standards as Currant Creek. In the beneficial use designation section (R317-2-13.5-c):Burriston Creek from Mona Reservoir to headwaters....2B 3A, 4 should read:Currant Creek from Mona Reservoir to headwaters....2B 3A, 4
	Add the Class 1C use to Weber River-3	Low	Low	2014	Erica Gaddis, DWQ	2016	Weber River-3 has drinking water intake for WCD Central. Weber Basin Water Conservancy District was consulted and reported that they do not have drinking water intakes in this reach. No change is necessary.
	Add the Class 1C use to Scout Lake	Low	Low	2014	Erica Gaddis, DWQ	2016	Scout Lake was supported to be a public drinking water source (Camp Steiner) but after further investigation with the Division of Drinking Water, the water source is a spring. No change is necessary.
<b>14 Numeric Criteria</b>							
	Delete temperature from fluoride criteria	Low	High	2015	Chris Bittner, DWQ	2016	Temperature correction was based on a presumed increased water ingestion rate at higher temperatures that is no longer supported by EPA.
	Delete acute criteria for mercury	Low	Medium			Completed 2012	Acute standard no longer supported by USEPA because standard not protective of bioaccumulation
	Adopt updated human health water quality criteria for phenol, acrolein, and tributyl tin	Low	Medium			Completed 2012	USEPA updated AWQC



**Utah Water Quality Standards Work Plan Resolved Topics**

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Adopt updated aquatic life water quality criteria for acrolein, chlorpyrifos, and tributyl tin	Low	Medium			Completed 2012	USEPA updated AWQC
	Site-specific TDS Standards	Medium	High			Completed 2012	Price River between Soldier and Coal Creeks;
	Fix formula for calculating H <sub>2</sub> S	Low	Medium	2012		2015	Formula deleted. Standard methods provide appropriate formulas
	Housekeeping: Fix footnote reference for pollution indicators in Aquatic Life table		Low	2014	Chris Bittner, DWQ	2015	Pollution indicator should be footnote 10 instead of 11.
	Hardness Correction formulas for Ni, Ag, and Zn missing parantheses	Low	Low	2013	Leland Myers, CDSD	2015	
	Investigate if Gross Alpha should be indicator	Medium	Medium	2015	Chris Bittner, DWQ	2015	EPA does not have criteria for gross alpha, like gross beta, which is an indicator, gross alpha is a non-specific measurement
	Identify Table 13.2 in the standards	Low	Low	2011	Chris Bittner, DWQ		No reference in standards for table. 05/10/2011, No change necessary because none of the tables in R317-2 have references.
	Update the zinc criteria	Low	Low	2011	Chris Bittner, DWQ		C. Bittner reviewed the 2002 EPA criteria for zinc and Utah's is current
	GSL indicator values/criteria	High	High	2011	Chris Bittner, DWQ	2014	Development of indicator values/criteria will streamline permitting inefficiencies and assist assessment of the GSL. The UPDES permitting program has adopted an approach for permitting negating the need for indicators.



Utah Water Quality Standards Work Plan Inactive Topics

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
1C Triennial Review							
2 Scope							
3 Antidegradation Policy							
4 Colorado River Salinity Standards							
5 Mixing Zones							
6 Use Designations							
7 Water Quality Standards							
8 Protection of Downstream Uses							
9 Intermittent Waters							
10 Laboratory and Field Analyses							
11 Public Participation							
12 Category 1 and Category 2 Waters							
	Recategorize the following waters from Category 3 to Category 2: Provo from Jordanelle to Olmsted Diversion excluding Deer Creek Reservoir	Medium	Low	2011	Paul Dremman, TU		Trout Unlimited request: review existing 208 restrictions on discharges. Waiting for TU to compile supporting rationale and documentation 9/12/2011.
13 Classification of Waters of the State							
14 Numeric Criteria							
	Translator for GSL selenium standard (egg to water translator)	High/Med	High	2011	Chris Bittner, DWQ		A translator is not feasible at existing Great Salt Lake selenium concentrations (<1 ug/l) as documented in the 2014 Jordan Valley Water Conservancy District Southwest Groundwater Treatment Plant UDPEs permit FSSOB.
	Sediment quantity criteria for GSL	High	Low	2011			Technically challenging for arid systems with highly variable sediment loading
	Sediment Quantity Criteria	High	Low	2011			Technically challenging for arid systems with highly variable sediment loading



## II. Public Comments and DWQ Responses organized by appearance in UAC R317-2

Comment No.	General Topic	Location in Standards
1	Antidegradation	R317-2-3

- a. Comment: R317-2-3.5 (c)(2). DWQ should review the Utah Antidegradation Policy for consistency with 40 CFR § 131.12. The provision in R317-2-3.5(c)(2) is unclear about the requirement to select a feasible alternative, if available, when degradation of a Category 3 waterbody is allowed. In order to be consistent with 40 CFR § 131.12 (a)(2)(ii), the state needs to clarify that a feasible alternative must be selected, if one is identified during the analysis of alternatives.

DWQ Response: The rule states that *“An option more costly than the cheapest alternative may have to be implemented if a substantial benefit to the stream can be realized.”* DWQ will clarify the clause to be consistent with 40 CFR § 131.12 (a)(2)(ii). Since selection of the less degrading, feasible alternative is implied by the rule, Implementation Guidance and current practice, this change is considered low priority and will be bundled with other future revisions.

- b. Comment: R317-2-3.5(f) Implementation Procedures. DWQ should review the Utah Antidegradation Policy for consistency with 40 CFR § 131.12. We recommend that this provision make clear that input from the general public will be considered anytime the implementation procedures are revised. This provision does currently state that public input will be considered, but it does not state at what point in the process it will be considered. Adding this clarification will ensure that this provision is consistent with the federal regulation at 40 CFR § 131.12(b), which states that “The State shall provide an opportunity for public involvement during the development and any subsequent revisions of the implementation methods”.

DWQ Response: DWQ has included public notice and comments with previous drafts of the Implementation Guidance and will continue to comply with the requirements of 40 CFR § 131.12. DWQ will propose adding an explicit requirement to R317-2-3.5

- c. Comment: Utah Antidegradation Review Implementation Guidance - Version 2.0 - December 2015. Consistent with our recommendation on R317-2-3.5(c)(2), the EPA suggests adding language that explicitly states, if feasible alternatives exist, then one must be selected before the degradation of water quality is allowed.

DWQ Response: The rule states that *“An option more costly than the cheapest alternative may have to be implemented if a substantial benefit to the stream can be realized.”* DWQ will clarify the clause to be consistent with 40 CFR § 131.12 (a)(2)(ii). Since selection of the less degrading, feasible alternative is implied by the rule and Implementation Guidance, and the wording was carefully developed with stakeholders, this change is considered low priority and will be bundled with other future revisions.

- d. Comment: Utah Antidegradation Review Implementation Guidance - Version 2.0 - December 2015. Note that the federal regulation quoted in the first paragraph of this section is missing the word “important” before the statement “social or economic development”.

DWQ Response: DWQ will continue to apply the antidegradation policy consistent with the comment. DWQ will include this clarification when the guidance is updated.



- e. Comment: Utah Antidegradation Review Implementation Guidance - Version 2.0 - December 2015. Section 6.3 Review and Approval of SEEIs - It is stated that “The Director will generally consider public projects to be necessary to accommodate social and economic growth unless compelling information exists to the contrary.” The fact that a project is public is not sufficient evidence to demonstrate that the project is “necessary to accommodate important economic or social development” (40 CFR 131.12(a)(2)(ii)), rather, the review must contain sufficient details and analyses to support this conclusion.

DWQ Response: DWQ will apply the antidegradation policy consistent with the comment. DWQ will clarify the guidance to indicate that the basis for authorizing and funding a project by a public entity can be used to help support a determination of social and economic importance when the guidance is revised for more substantial revisions.

- f. Comment: Utah Antidegradation Review Implementation Guidance - Version 2.0 - December 2015. Best Management Practices Implementation - In order to assure that all cost-effective and reasonable best management practices are put into place before degradation of a Category 3 waterbody is allowed, we suggest that the state describe how an entity would ensure that these best management practices are implemented.

DWQ Response: DWQ will evaluate potential options with the stormwater and 401 Water Quality Certification programs for ensuring that best management practices are being implemented for Utah Category 3 waters. DWQ also requests that EPA provide any relevant examples from other states..

Comment No.	General Topic	Location in Standards
2	Use Designations	R317-2-6

- a. Comment: DWQ should consider additional sub-use classes.

DWQ Response: All Utah waters are currently classified in accordance with the requirements of the federal Clean Water Act and the Utah Water Quality Act. As listed on the preliminary topics provided with the public notice for the Triennial Review, several waters in Utah are identified where refinements of the current use designations will be evaluated by e.g., use attainability analyses. The amount of resources to collect and evaluate the data to support these refinements continues to limit progress. More refined uses continue to be considered as a way to help streamline these processes but the data needs to appear to be similar whether changing the use to a new sub-use class or by site-specific designation. Based on DWQ’s understanding of State and Federal requirements, further subdividing the uses does not appear to provide any more additional flexibility than already exists by changing the uses on a site-specific basis. If several waters have similar site-specific criteria, these would be candidates for a new sub-use class and DWQ will evaluate to consider adopting more refined uses in UAC R317-2-6.

- b. Comment: DWQ should verify that waters supporting Bonneville or Colorado River cutthroat trout are appropriately classified as Class 3A Cold Water Aquatic Life.

DWQ Response: Utah’s use classifications in UAC R317-2-6 are not based on specific species of fish. Waters that support cutthroat trout are classified as Class 3A for cold water aquatic life. DWQ is unaware of any Utah waters that support cutthroat trout that are not already appropriately classified as 3A. When and if such information becomes available, DWQ will evaluate the data. If appropriate, DWQ will support reclassifying the water.



Comment No.	General Topic	Location in Standards
3	Compliance Schedules	R317-2-7(?)

- a. Comment: If DWQ intends to authorize compliance schedules for water quality-based effluent limits in discharge permits, an authorizing provision needs to be added to the water quality standards.

DWQ Response: Compliance schedules are an important tool for Utah's permitting program. Utah's permitting rules in R317-8 authorize the use of the compliance schedules. DWQ will propose a revision to add a compliance schedule authorization provision in 2018.

Comment No.	General Topic	Location in Standards
4	Variances	R317-2-7(?)

- a. Comment: DWQ may want to consider adopting an optional variance policy in the water quality standards.
- b. DWQ Response: DWQ agrees that variances may be a useful tool in limited circumstances. In the 2015 water quality standards revisions, EPA has clarified that variances are water quality standards and each variance will be reviewed by EPA. DWQ is developing a variance policy as part of the nutrient strategy and will consider developing a Utah-specific variance policy for variances unrelated to nutrients. The Water Quality Board may currently grant variances that comply with 40 CFR 131.14. In 2017, DWQ will propose an authorizing provision for the Board to consider and grant variances.

Comment No.	General Topic	Location in Standards
5	Protection of downstream uses	R317-2-8

- a. Comment: A provision protective of downstream uses should be added to the standards.

DWQ Response: Utah includes protection of downstream uses in UAC R317-2-8: "All actions to control waste discharges under these rules shall be modified as necessary to protect downstream designated uses." Currently, the broad coverage provided by this provision includes all of the key components identified in the USEPA guidance referenced in the comment. DWQ is already specifically evaluating the protection of downstream uses as part of Utah's Nutrient Strategy. As part of these efforts, DWQ will evaluate if the existing requirements in UAC R317-2-8 should be revised to ensure adequate protection of downstream uses. Utah expects to propose nutrient criteria for Utah's headwaters in 2018.

Comment No.	General Topic	Location in Standards
6	Public Hearings	R317-2-11

- a. Comment: Ensure that Utah's public hearings are consistent with Federal Regulations (USEPA).

DWQ Response: DWQ continues to meet both state and federal requirements for public participation. DWQ will ensure that the public notice requirements in 40 CFR § 131.20 are met for the Triennial Review and for any revisions to the standards by initiating the public notice period prior to publication in the Utah Bulletin. Previously, DWQ used publication in the Utah Bulletin as the start of the public notice/comment period. DWQ proposed changes to the Water Quality Board in 2017 that the specific public notice requirements be added to UAC R317-2-11.



Comment No.	General Topic	Location in Standards
7	Specific Use Designations	R317-2-12

- a. Comment: Utah Lake should be designated as frequent primary and secondary contact recreation.

DWQ Response: DWQ agrees that Utah Lake should be designated for frequent primary and secondary contact recreation. The Utah Water Quality Board granted permission on May 24, 2017 to initiate rulemaking for the change.

- b. Comment: DWQ should complete the Willard Spur studies and assign uses.

DWQ Response: DWQ will implement Phase II of the Willard Spur study in 2017- 2018 with the objective of making recommendations on any policy or rule changes needed to ensure the long term protection of the Willard Spur's designated beneficial uses. This involves the development of site specific narrative criteria that describe specific conditions that will be maintained, or avoided, to protect Willard Spur's designated uses.

Comment No.	General Topic	Location in Standards
8	Numeric Criteria	R317-2-14

- a. Comment: Update aquatic life criteria for ammonia.

DWQ Response: DWQ will revise Utah's ammonia criteria after collecting and evaluating mollusk occurrence data over the next several years. DWQ continues to actively evaluate the applicability of the 2013 USEPA ammonia criteria for the protection of aquatic life in Utah. DWQ commissioned Utah State University to conduct a comprehensive search of the historical records regarding the occurrence of unionid mussels in Utah. This study was completed in summer 2017. On a site-specific basis, DWQ continues to provide regulatory review and support for the ongoing site-specific determinations of unionid mussels in the Jordan River. DWQ completed a public notice and comment period on the guidance *Adoption of USEPA 2013 Ammonia Criteria for the Protection of Aquatic Life for Utah. Review Draft v. 0.1*. This guidance was finalized and retitled *USEPA Implementation Guidance for the 2013 USEPA Ammonia Criteria for the Protection of Aquatic Life, September 20, 2017, Version 1.0*. The guidance describes how aquatic life resident determinations will be made to determine the appropriate ammonia criteria and also includes the projected schedule for adoption.

- b. Comment: Update aquatic life criteria for cadmium.

DWQ Response: DWQ agrees and the Utah Water Quality Board granted permission to initiate rulemaking for this change on May 24, 2017.

- c. Comment: Update aquatic life criteria for carbaryl.

DWQ Response: DWQ agrees and the Utah Water Quality Board granted permission to initiate rulemaking for this change on May 24, 2017.

- d. Comment: Update aquatic life criteria for iron.



DWQ Response: DWQ continues to evaluate the conversion factor for dissolved iron to total-recoverable iron. DWQ's research currently indicates that the default conversion factor of one is adequately protective. DWQ anticipates determining if revisions are appropriate in 2018.

- e. Comment: Update aquatic life criteria for selenium.

DWQ Response: DWQ continues to evaluate the 2016 USEPA selenium criteria for the protection of aquatic life to determine how to implement these revisions into Utah's criteria.. The updated criteria were reviewed with the Utah Water Quality Standards Workgroup. Similar to other parts of the arid west, Utah's geology includes seleniferous stratum such as the Mancos Shale (see e.g., [https://energy.gov/sites/prod/files/S07480\\_NatContRpt.pdf](https://energy.gov/sites/prod/files/S07480_NatContRpt.pdf)). The presence of naturally occurring selenium concentrations potentially higher than the criteria need to be considered in implementing the criteria.

The 2016 Utah Integrated Report river and stream data for selenium were reviewed and compared to the current selenium criterion of 4.6 µg/l, 4.4% of the 4,683 samples exceed the criterion. Of these 4,683 samples, 8.3% exceed the 2016 USEPA water column criterion of 3.1 µg/l. Regardless of whether the causes of these exceedances are man-made or natural, the more stringent water data for river and streams has the potential to impact both dischargers and water quality assessments. While USEPA (2016) provides water column criteria, fish tissue are the recommended media for the criteria. Little data are available for fish tissue selenium data for Utah. Utah collected samples of fish tissue in 2016 and with the assistance of the USEPA Region 8 laboratory, will evaluate the concentrations of selenium in fish tissue that will be used to inform how the criteria should be adopted and implemented for Utah.

DWQ will also notify permittees that will potentially be affected by the revised criteria to provide an opportunity for fish tissue to be collected and analyzed prior to implementation of revised criteria for Utah. Based on current information, the projected date for adoption is 2020.

- f. Comment: Continue to develop criteria for nutrients.

DWQ Response: A high priority for DWQ is to tackle nutrient pollution in Utah's waters. DWQ in collaboration with the Nutrient Core Team, assembled a state strategy that includes immediately protecting high quality waters by implementing headwater numeric nutrient criteria, reducing discharges of phosphorus by implementing technology based effluent limits for wastewater discharges, pursuing site specific nutrient criteria for waters with nutrient problems, incorporating Best Management Practices into Stormwater Management Plans and increasing funding for non-point source projects. Headwater numeric nutrient criteria will be promulgated in 2018.

- g. Comment: Update Human Health Criteria.

DWQ Response: DWQ reviewed the current USEPA criteria for the protection of human health and will propose updates consistent with federal requirements. These revisions were reviewed with the Water Quality Standards Workgroup on July 17, 2017 (outcomes are summarized in the attached table). DWQ will propose these changes to Table 2.14.6 in R317-2-14 to the Utah Water Quality Board in December, 2017.

- h. Comment: Continue progress with adoption of methylmercury criteria

DWQ Response: DWQ continues to anticipate adoption of the USEPA recommended numeric criteria for methylmercury or a justification that Utah's current mercury criteria are protective prior to the next 2020



Triennial Review. This complex effort has not been one of DWQ's highest priorities because Utah continues to protect human health as intended by this criterion:

- 1) In 2000 Utah revised the freshwater (total) mercury criterion to 0.012 µg/l using bioaccumulation modeling to protect human consumers. Utah's current mercury water quality criteria for the protection of aquatic life of 0.012 µg/l is protective of human health because it is intended to be protective of human health from exposures to methylmercury in fish.
- 2) DWQ, in cooperation with the Utah Department of Health and Utah Division of Wildlife Resources, protects human health from water-related mercury exposure when fish tissue concentrations of mercury exceed 0.3 mg/kg wet-weight.
- 3) Mercury concentrations in Utah fish are relatively low compared to concentrations observed in other States. Very few waters with fish consumption advisories (see [www.utahfishadvisories.gov](http://www.utahfishadvisories.gov)) are impacted by permitted discharges.

- i. Comment: Adopt numeric criteria for Willard Spur

DWQ Response: : DWQ will implement Phase II of the Willard Spur study in 2017- 2018 with the objective of making recommendations on any policy or rule changes needed to ensure the long term protection of the Willard Spur's designated beneficial uses. This involves the development of site specific narrative criteria that describe specific conditions that will be maintained, or avoided, to protect Willard Spur's designated uses.

- j. Comment: Adopt aquatic life criteria for Great Salt Lake.

DWQ Response: DWQ appreciates the support for the continuing work to develop numeric water quality criteria for Great Salt Lake. Ensuring that the water quality of Great Salt Lake is protected remains a priority for DWQ. Progress has been limited by the availability of resources. Currently, DWQ continues to make progress on developing and implementing the toxicity testing of brine to support criteria development for hypersaline Gilbert Bay of Great Salt Lake. Numeric criteria are also currently being developed for Willard Spur in Bear River Bay of Great Salt Lake.

- k. Comment: Translator from water to egg for selenium in Great Salt Lake should be a future goal as opposed to inactive.

DWQ Response: Definitions were added to the goals to clarify the differences between future goals and inactive was renamed "hold":

The Future Evaluation includes standards issues that are either not scoped or an action is anticipated but the changes are dependent on specific data that will be collected or will be evaluated in the future.

Hold is similar to the Future except that these standards issues have some evaluation but are currently on hold for an indeterminate time.

- l. Comment: Sediment criteria should be a future goal for Great Salt Lake as opposed to inactive.

DWQ Response: Ensuring that the water quality of Great Salt Lake is protected remains a priority for DWQ. These efforts are limited by the availability of resources. Over the near term, these resources will be devoted to numeric water quality criteria, assessment methods, wetlands and a nutrient management strategy. Sediment criteria are unlikely for the near term because of the technical and regulatory challenges for sediment criteria under the Clean Water Act.



The term “inactive” was replace with “hold” which is defined as being similar to a future goal but some evaluation has been completed and the revisions are on-hold for an indeterminate time.

Comment No.	General Topic	Location in Standards
9	Wetland Water Quality Standards	

- a. Comment: DWQ should consider using the USEPA tool for developing narrative criteria to protect wetlands.

DWQ Response: DWQ has reviewed the tool and work for developing wetland standards continues. These efforts are documented in the *Integrated Report* and reports for the USEPA Wetlands Program Development Grant.



### III. Comments Received-originals

- a. United States Environmental Protection Agency
- b. Southern Utah Wilderness Alliance
- c. Western Resource Advocates
- d. Public Hearing





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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March 22, 2017

Ref: 8EPR-EP

Mr. Christopher Bittner  
Division of Water Quality  
Utah Department of Environmental Quality  
P.O. Box 144870  
Salt Lake City, Utah  
84114-4870

Re: The EPA's WQS Triennial Review Priorities for 2017

Dear Mr. Bittner:

Thank you for notifying the U.S. Environmental Protection Agency (EPA) Region 8's Water Quality Unit (WQU) of the State's triennial review of its water quality standards (WQS). The EPA's WQS regulation requires that states "shall from time to time, but at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards" (40 CFR § 131.20(a)). The purpose of this letter is to identify the WQU's priorities for the 2017 triennial review of Utah Administrative Code *R317-2: Standards of Quality for Waters of the State*.

As you know, in August 2015 the EPA revised the WQS regulation (40 CFR Part 131).<sup>1</sup> The previous regulation had been in place since 1983. The following key program areas are addressed in the final rule: (1) triennial reviews of state and tribal WQS, (2) provisions authorizing the use of schedules of compliance for water quality-based effluent limits (WQBELs) in National Pollutant Discharge Elimination System (NPDES) permits, (3) WQS variances, (4) designated uses for water bodies, (5) antidegradation requirements, and (6) the EPA Administrator's determinations that new or revised water quality standards are necessary. The revised regulation became effective on October 20, 2015. In addition, the EPA published *Priorities for Water Quality Standards and Criteria Programs, FY 2017-2018* for states and tribes to consider.<sup>2</sup> The comments below identify opportunities for the Division of Water Quality (Division) to align Utah's WQS with the revised EPA regulation and make other program improvements.

<sup>1</sup> See 80 Fed. Reg. 51020 (August 21, 2015). This notice and supplemental materials are available at <http://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation>.

<sup>2</sup> See <https://www.epa.gov/wqs-tech/priorities-water-quality-criteria-and-standards-programs-fy-2017-2018>.



## **Triennial Reviews**

### *Public Hearings*

The triennial review requirement in the EPA WQS regulation (40 CFR § 131.20(a)) was updated to clarify the required scope for each review. Specifically, the EPA clarified that states and authorized tribes must from time to time, but at least once every three years, hold public hearings that allow for public input on all applicable WQS adopted into state or tribal law pursuant to 40 CFR § 131.10 - § 131.15, as well as any federally promulgated WQS. The final rule also clarified a public hearing is required when (1) reviewing WQS per § 131.20(a); (2) when revising WQS as a result of reviewing WQS per § 131.20(a); and (3) whenever revising WQS, regardless of whether the revision is a result of a triennial review per § 131.20(a). The EPA recommends the Division review state law for any conflicts with the requirements of 40 CFR § 131.20 and 40 CFR Part 25 and ensure the public participation for the triennial review is consistent with these requirements.

### *New or Updated Section 304(a) Criteria Recommendations*

One of the updates to the EPA's WQS regulation requires states and authorized tribes to provide an explanation if the state is not adopting new or revised criteria for parameters for which the EPA has published new or updated Clean Water Act (CWA) section 304(a) criteria recommendations (40 CFR § 131.20(a)). This change was made to foster meaningful and transparent involvement of the public and intergovernmental coordination with local, state, federal, and tribal entities in light of recent science provided by EPA through its criteria recommendations. The EPA will not approve or disapprove this explanation. For Utah's current triennial review, the state will need to provide explanations where new or revised criteria are not adopted for parameters where the EPA has published new or updated CWA section 304(a) criteria recommendations since May 30, 2000, regardless of whether the criteria are more stringent or less stringent than the state's applicable criteria. The EPA provided a list of those parameters that have been published between May 30, 2000 and August 21, 2015. Since the publication of this list, the EPA also published updated criteria recommendations for cadmium and selenium. Please see additional details on EPA CWA section 304(a) criteria recommendations below.

## **Compliance Schedule Authorizing Provision**

The EPA's revised regulations require that if states intend to authorize the use of compliance schedules for WQBELs in NPDES permits, the state must adopt a permit compliance schedule authorizing provision and submit it to the EPA for review and action under CWA § 303 (40 CFR § 131.15). UAC R317-2 does not currently include a compliance schedule authorizing provision. Therefore, the EPA recommends that Utah work with EPA to develop and propose an authorizing provision in UAC R317-2.

## **Variances**

The EPA's revised regulation includes a new section at 40 CFR § 131.14 explicitly authorizing the use of WQS variances. The purpose of a WQS variance is to make progress toward attaining a designated use when the designated use is not attainable in the near-term but may be attainable in the future. 40 CFR § 131.14 specifies the minimum requirements of any WQS variance and the supporting documentation that must be submitted to EPA for review and approval.



UAC R317-2 does not currently address WQS variances. The Division may want to consider the adoption of a variance policy consistent with the federal requirements at 40 CFR § 131.14 for future use; however, a general variance policy is not required since all WQS variances adopted by the state must be submitted to the EPA for a CWA section 303(c) action. The EPA will review all WQS variance submissions for consistency with the requirements at 40 CFR § 131.14.

### **Antidegradation**

Antidegradation is an integral part of WQS, as it provides important protections that are critical to the fulfillment of the CWA objective “to restore and *maintain* the chemical, physical, and biological integrity of the Nation’s waters” [emphasis added]. The Federal antidegradation provisions (40 CFR § 131.12) establish three levels of water quality protection that are commonly referred to as Tier 1, Tier 2, Utah Category 3) and Tier 3 (Utah Categories 1 and 2). The revisions to the EPA’s WQS regulation did not alter the three levels of water quality protection. Rather, the new provisions require states and authorized tribes to follow a more structured process when making decisions about preserving high quality waters. They also increase transparency and opportunities for public involvement, while preserving states’ and authorized tribes’ decision-making flexibility. The EPA recommends the state review the revisions to the EPA’s WQS regulation and EPA’s previous guidance<sup>3</sup> in considering improvements to its antidegradation program.

The EPA conducted a preliminary review of Utah’s antidegradation policy and implementation guidance. We identified several components that should be considered for revision to make Utah’s policy fully consistent with the new provisions in 40 CFR § 131.12. We also identified revisions that would improve clarity and efficacy.

The EPA recommends that Utah review and consider revisions to the following provisions from Utah’s antidegradation policy (R317-2.3).

- **R317-2-3.5 (c)(2)** - This provision is unclear about the requirement to select a feasible alternative, if available, when degradation of a Category 3 waterbody is allowed. In order to be consistent with 40 CFR § 131.12 (a)(2)(ii), the state needs to clarify that a feasible alternative *must* be selected, if one is identified during the analysis of alternatives.
- **R317-2-3.5(f) Implementation Procedures** – We recommend that this provision make clear that input from the general public will be considered anytime the implementation procedures are revised. This provision does currently state that public input will be considered, but it does not state at what point in the process it will be considered. Adding this clarification will ensure that this provision is consistent with the federal regulation at 40 CFR § 131.12(b), which states that “The State shall provide an opportunity for public involvement during the development and any subsequent revisions of the implementation methods”.

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<sup>3</sup> U.S. Environmental Protection Agency Memorandum, “Tier 2 Antidegradation Reviews and Significance Thresholds,” from Ephraim S. King, Office of Science and Technology, to Water Management Division Directors, Region 1-10 (Aug. 10, 2005), available at: <http://www.epa.gov/sites/production/files/2014-10/documents/tier2.pdf>.



The EPA also recommends that the Division review and consider the following elements of the *Utah Antidegradation Review Implementation Guidance - Version 2.0 - December 2015* for consistency with 40 CFR § 131.12.

- Selection of Alternative – Consistent with our recommendation on R317-2-3.5(c)(2), the EPA suggests adding language that explicitly states, if feasible alternatives exist, then one *must* be selected before the degradation of water quality is allowed.
- Section 6.1 – Note that the federal regulation quoted in the first paragraph of this section is missing the word “important” before the statement “social or economic development”.
- Section 6.3 Review and Approval of SEEIs - It is stated that “The Director will generally consider public projects to be necessary to accommodate social and economic growth unless compelling information exists to the contrary.” The fact that a project is public is not sufficient evidence to demonstrate that the project is “necessary to accommodate important economic or social development” (40 CFR 131.12(a)(2)(ii)), rather, the review must contain sufficient details and analyses to support this conclusion.
- Best Management Practices Implementation - In order to assure that all cost-effective and reasonable best management practices are put into place before degradation of a Category 3 waterbody is allowed, we suggest that the state describe *how* an entity would ensure that these best management practices are implemented.

### **Downstream Use Protection**

Pursuant to sections 303 and 101(a) of the CWA, the federal regulation at 40 CFR § 131.10(b) requires that “[i]n designating uses of a waterbody and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters.” This provision requires states and authorized tribes to consider and ensure the attainment and maintenance of downstream<sup>4</sup> WQS during the establishment of designated uses and water quality criteria in upstream<sup>5</sup> waters. Utah can adopt either narrative or numeric criteria to ensure the attainment and maintenance of downstream WQS (i.e., designated uses, criteria and antidegradation requirements). In 2014, the EPA developed Frequently Asked Questions and a Decision Tool that includes customizable templates for narrative downstream protection criteria to assist states/tribes with this effort.<sup>6</sup> These templates may be used to develop a “broad narrative” that provides basic legal coverage under 40 CFR § 131.10(b) (e.g., applies to all waters in the state/tribe) as well as a variety of “tailored narratives” that can be developed to address specific water bodies, pollutants, and/or waterbody types. The EPA recommends Utah review this material and consider adoption of a method to protect downstream WQS.

<sup>4</sup> The EPA interprets the term “downstream” to include both intra- and interstate waters, as well as waters that form a boundary between adjacent jurisdictions.

<sup>5</sup> The term “upstream” includes “instream” when referring to the waterbody(ies) for which states/tribes are developing designated uses/water quality criteria that will ensure the attainment and maintenance of downstream WQS.

<sup>6</sup> <http://www.epa.gov/wqs-tech/decision-tool-downstream-water-quality-protection>



## **Water Quality Criteria**

The WQU conducted a review of R317-2-14 and identified the following criteria with new or updated EPA CWA section 304(a) water quality criteria recommendations. The WQU suggests that the Division review EPA's national recommendations while developing the state's proposal to identify any new or updated criteria that have been published since our review.<sup>7</sup>

### *Aquatic Life Criteria*

**Ammonia** – The WQU continues to recommend that Utah update its existing ammonia criteria by considering EPA's 2013 updated ammonia criteria recommendations. It is our understanding that a survey to evaluate the historic and expected occurrence of freshwater mussels and sensitive snails in state waterbodies will be completed later this year. Information obtained from this study will facilitate future revisions to Utah's ammonia criteria and the implementation of those revisions. We expect that Utah will discuss the results of this study with the WQS Workgroup prior to proposing revisions to the existing ammonia criteria. The EPA is available to provide additional technical support to aid in the adoption and implementation of the 2013 ammonia criteria.

**Cadmium** – In 2016, the EPA published updated CWA section 304(a) criteria recommendations for cadmium to account for many new laboratory aquatic toxicity tests published since the EPA's 2001 criteria document. In addition, the effect of total hardness on cadmium toxicity was also revised using the newly acquired data. The 2016 freshwater acute criterion (1.8 µg/L, calculated at 100 mg/L hardness) for dissolved cadmium is slightly more stringent than the 2001 acute criterion at a corresponding hardness level (2.0 µg/L) and the 2016 chronic criterion (0.72 µg/L, calculated at 100 mg/L hardness) for dissolved cadmium is slightly less stringent compared to the 2001 criterion at a corresponding hardness level (0.25 µg/L).<sup>8</sup> We recommend that Utah update its cadmium criteria with consideration of the 2016 EPA recommendations.

**Carbaryl** – In 2012, the EPA published new carbaryl water quality criteria for the protection of aquatic life (77 Fed. Reg. 30280-30282, May 22, 2012). Carbaryl is a pesticide used to control insects, slugs and snails and to thin fruit in orchards. It typically enters water bodies through runoff. Carbaryl is the second most frequently found insecticide in water, with detections in approximately half of monitored urban streams. We recommend that Utah adopt carbaryl criteria and consider EPA's 2012 criteria in the process.

**Iron** – The WQU continues to recommend that Utah review its existing iron criterion for consistency with EPA's CWA section 304(a) recommendations. Utah's aquatic life criterion for iron is currently expressed as dissolved when EPA's recommendation is 1,000 µg/L total recoverable iron. It is important to express the criterion as total recoverable given the toxicity of iron hydroxide and ferric oxide (iron precipitates or floc) to benthic organisms and the reduction of suitable spawning habitat due to excessive iron floc.<sup>9</sup> We are not aware of any data or analyses to support that 1,000 µg/L as dissolved iron is

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<sup>7</sup> <https://www.epa.gov/wqc/national-recommended-water-quality-criteria>

<sup>8</sup> <https://www.epa.gov/wqc/aquatic-life-criteria-cadmium-documents>

<sup>9</sup> U.S. Environmental Protection Agency. Quality Criteria for Water. July 1976.



protective of aquatic life. Therefore, we suggest that Utah revise the existing iron criterion to total recoverable to account for the toxicity that results from precipitated iron.

Nutrients - Another high priority for future WQS development is numeric criteria for nitrogen and phosphorous.<sup>10</sup> The Division has made notable progress the last several years on the development of numeric nutrient criteria as a combined criterion for Utah's headwater streams. It is our understanding that UDWQ is preparing the scientific support document for peer review this spring and will propose numeric criteria for adoption into state WQS later this year. We look forward to working closely with Utah on details of the nutrient proposal given the novel approach being pursued by the state. We also encourage Utah to continue to make progress on the development of numeric nutrient criteria for all state waterbodies.

Selenium – In 2016, The EPA published the final CWA 304(a) chronic aquatic life criterion for selenium in freshwater.<sup>11</sup> The 2016 criterion reflects the latest scientific knowledge, which indicates that selenium toxicity to aquatic life is primarily based on organisms consuming selenium-contaminated food rather than by being exposed only to selenium dissolved in water. The final criterion is expressed both in terms of fish tissue concentration (egg/ovary, whole body, muscle) and water concentration (lentic, lotic). The EPA also published four draft technical support documents that will facilitate the adoption and implementation of the new selenium criteria. The EPA recommends that Utah review these documents, with the 2016 criteria, and develop a state-wide plan to adopt and implement updated selenium criteria.

#### *Human Health Criteria*

In 2015, EPA published final updated ambient water quality criteria for the protection of human health for 94 chemical pollutants. These updated recommendations reflect the latest scientific information and EPA policies, including updated body weight, drinking water consumption rate, fish consumption rate, bioaccumulation factors, health toxicity values, and relative source contributions.<sup>12</sup> The WQU conducted an initial review of Utah's human health criteria and identified several pollutants with updated national recommendations that are not currently in Table 2.14.6. We recommend that Utah consider adding these pollutants to Table 2.14.6 when adopting the 2015 human health criteria updates.

The EPA notes that for some of the parameters for which EPA has published new/updated CWA section 304(a) human health criteria recommendations, Utah has adopted the more stringent Maximum Contaminant Level (MCL) established by the EPA under the Safe Drinking Water Act. The EPA supports retaining MCLs where they are more stringent than the Section 304(a) criteria. For a pollutant for which the EPA has not published a recommended CWA section 304(a) criterion for "water and organisms" and for which the EPA has promulgated a Maximum Contaminant Level Goal (MCLG), the EPA generally recommends the MCLG for noncarcinogenic pollutants, or a criterion derived by recalculating the MCLG at an acceptable cancer risk level. The EPA does not recommend that the MCL be used where consideration of available treatment technology, costs, or availability of analytical methodologies has resulted in a MCL that is less protective than a MCLG.<sup>13</sup> The EPA recommends that

<sup>10</sup> <https://www.epa.gov/sites/production/files/documents/nandpfactsheet.pdf>

<sup>11</sup> <https://www.epa.gov/wqc/aquatic-life-criterion-selenium>

<sup>12</sup> <https://www.epa.gov/wqc/human-health-criteria-development-documents>

<sup>13</sup> See 65 Fed. Reg. 66444, 66450-66451 (November 3, 2000) available at <https://www.gpo.gov/fdsys/pkg/FR-2000-11-03/pdf/00-27924.pdf>.



the Division review the criteria in Table 2.14.6 that are based on a MCL to ensure consistency with the recommendations above.

**Methylmercury** – The WQU continues to recommend that the State work towards adoption of the methylmercury criterion the EPA recommended in 2001 (66 Fed. Reg. 1344, 1355, (January 8, 2001)) for the protection of people who eat fish and shellfish. This criterion, 0.3 mg/kg fish tissue wet weight, was EPA’s first water quality criterion expressed as a fish and shellfish tissue value rather than as an ambient water column value. In April 2010, the EPA finalized technical guidance for states and authorized tribes on how to implement the fish tissue-based criterion.<sup>14</sup> As discussed in Chapter 3 of the guidance, the EPA recommends working with stakeholders and the public to develop an implementation plan prior to moving forward with a rulemaking proposal. The EPA recognizes the complexity involved in implementing this criterion, and the WQU is available to assist the State in this effort.

### **Use Designations**

The Division should review and evaluate whether refinement of the surface water use designations is needed, e.g., to more precisely describe the aquatic communities and recreational uses that are to be protected as well as the criteria necessary to protect those uses. This can include creation of new use categories and/or reviewing whether changes to uses for individual segments (e.g., to apply more stringent Class 2A uses) are appropriate.

### **Wetland Water Quality Standards**

With the assistance of EPA Wetland Program Development Grants (WPDG), the Division and Utah Geological Survey have developed a robust Utah wetlands program over the last decade that has produced wetland mapping tools, sampling standard operating procedures (SOPs) specific to Utah’s wetland types, assessment tools, characterization of the highest attainable condition for impounded wetlands, and CWA section 401 certification program.<sup>15</sup> With over one million dollars in WPDGs (including match) used to specifically address WQS for wetlands, Utah is a national leader in developing both the policy and scientific foundation for wetland WQS. The EPA is particularly encouraged by the efforts, dating back to 2003, to develop assessment methodologies for interpreting the narrative standards that apply to impounded wetlands.

In 2016, the EPA published an online tool, with interactive templates to facilitate the development of protective WQS for wetlands.<sup>16</sup> The templates are separated into the three components: designated uses, criteria, and antidegradation. Customizing all three components to the needs of the state and its wetland resources will generate a narrative statement that serves as a wetland-specific WQS that will ensure consistent application of Clean Water Act provisions to wetlands. The EPA recommends that Utah review existing wetland data with the online material and consider the development and adoption of a narrative criterion that will provide robust protection of its wetlands and their functions, either as a whole or based on specific wetland types.

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<sup>14</sup> <http://www.epa.gov/waterscience/criteria/methylmercury/>.

<sup>15</sup> <https://deg.utah.gov/ProgramsServices/programs/water/wetlands/monitoring.htm>  
<http://geology.utah.gov/resources/wetlands/>

<sup>16</sup> <https://www.epa.gov/wqs-tech/templates-developing-wetland-water-quality-standards>



## **Great Salt Lake Water Quality Standards**

UDWQ has made significant strides in strengthening CWA programs as they apply to Great Salt Lake (GSL). In 2014, UDWQ published *A Great Salt Lake Water Quality Strategy* including *Core Component 1: Developing Aquatic Life Criteria for Priority Pollutants*, which documents the state's strategic approach for obtaining the information needed to develop defensible numeric criteria for the lake. Understanding that it may take several years to develop numeric criteria for the lake, UDWQ developed and implemented an *Interim Approach for UPDES Permitting for Discharges to Great Salt Lake* that outlined a logical and consistent approach to permitted discharges to GSL until numeric criteria are developed.<sup>17</sup> We applaud UDWQ's substantial effort that has been invested into the review of new and existing GSL permits. These permit reviews have resulted in improved and protective permit conditions that will ensure the long term protection of the lake.

Core Component 1 identifies the need to clearly identify the aquatic life that are present in the bays and how the aquatic community changes with respect to the salinity gradient in the fresher areas of the lake. To address this question, EPA and UDWQ co-hosted an Aquatic Life Use Workshop on March 24, 2015, compiled all existing biological data into a single dataset, and summarized the findings of the workshop and data in the *Great Salt Lake Resident Taxa Summary*.<sup>18</sup> Additionally, UDWQ initiated a number of extensive research projects in the Willard Spur portion of Bear River Bay with the objectives of determining the potential impact of a new POTW discharge and identifying revisions to the WQS that apply to Willard Spur to ensure long term protection of its uses. This effort produced scientific reports describing the bird and fish use, macroinvertebrates, zooplankton, habitat and vegetation, hydrology, nutrient loads, and nutrient cycling.<sup>19</sup>

The unique ecology, chemistry, and hydrologic modifications of GSL have traditionally been thought to preclude application of state-wide criteria to GSL. Although this likely remains true for the hypersaline portions of GSL, the products from these recent studies have improved our understanding of the similarities and differences in the aquatic life using the different bays. Bear River and Farmington bays support aquatic communities that are more similar to those observed in freshwater ecosystems than marine ecosystems or the aquatic life observed in Gilbert and Gunnison bays. The aquatic life expected to occur in the fresher bays of the lake include aquatic insects, mollusks, and zooplankton (rotifers, copepods and cladocerans) that are frequently the more sensitive species in the national/state toxicity datasets for many criteria. Fish surveys in Bear River Bay confirmed the occurrence of 10 species of cool and warm water fish in the bay, which are an important food source for piscivorous birds. Fish surveys in Farmington Bay, on the other hand, were identified as a data gap that the Division may want to address prior to proposing revisions to the WQS that apply to Farmington Bay.

The results of the extensive biological surveys in Bear River Bay and Willard Spur indicate that the expected aquatic life is similar to the taxa in toxicity datasets used to develop state-wide water quality criteria, making it unlikely that the EPA recalculation procedure could be used to derive site-specific criteria for most pollutants. We highly recommend that Utah review the Bear River Bay taxa list and

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<sup>17</sup> <http://www.deq.utah.gov/locations/G/greatsaltlake/gslwaterquality/docs/2014/10Oct/InterimUPDESpermitting.pdf>

<sup>18</sup> <http://www.deq.utah.gov/locations/G/greatsaltlake/gslwaterquality/docs/gsl-alu-taxa-summary.pdf>

<sup>19</sup> <http://www.deq.utah.gov/locations/G/greatsaltlake/gslstrategy/index.htm>  
<https://deq.utah.gov/locations/G/greatsaltlake/willardspur/>



revise the WQS that apply to Bear River Bay (designated uses and criteria, as needed) so that the existing uses are fully protected, as required by 40 CFR § 131.10(i) and 131.11.

### **Conclusion**

We thank the Division for its efforts to maintain and improve water quality in Utah. Please note that our comments are preliminary in nature and should not be interpreted as final EPA decisions under CWA § 303(c). If you have any questions, please contact Lareina Guenzel on my staff at (303) 312-6610 or [guenzel.lareina@epa.gov](mailto:guenzel.lareina@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra D. Spence". The signature is fluid and cursive, with the first name "Sandra" being more prominent than the last name "Spence".

Sandra D. Spence, Chief  
Water Quality Unit





southern  
utah  
wilderness  
alliance

Submitted via electronic-mail ([cbittner@utah.gov](mailto:cbittner@utah.gov)) and USPS First Class Mail

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

*Re: 2017 Water Quality Standards Triennial Review*

Dear Mr. Bittner,

The Southern Utah Wilderness Alliance (“SUWA”) appreciates the opportunity to submit the following “topics to be considered” and comments for the Utah Department of Environmental Quality, Division of Water Quality’s (“DWQ”) 2017 Water Quality Standards Triennial Review (“Triennial Review”). SUWA members recreate and rely on the waters of the state of Utah and have an interest in the protection and preservation of these waters.

As part of its Triennial Review, DWQ must verify that each waterbody managed for, containing, or having potential habitat for cold water game fish species such as Bonneville or Colorado River cutthroat trout has the appropriate designated beneficial use category (*i.e.*, 3A).<sup>1</sup> Stated differently, DWQ must confirm that each waterbody that contains, may likely contain, or has suitable habitat for cold water fish species has the designated beneficial use category of Class 3A. To the extent that DWQ is aware of, or becomes aware of, waterbodies with cold water fish species or habitat it must assign the appropriate beneficial use class.<sup>2</sup>

In confirming the correctness of current beneficial use designations, DWQ should be informed by information currently in its control as well as information prepared or relied on by other state and Federal agencies such as the Utah Division of Wildlife Resources (“DWR”). For example, the fishing report prepared by DWR identifies waterbodies and fish species found therein for

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<sup>1</sup> See, e.g., Utah Admin. Code R317-2-6.3.a (Class 3A waterbodies are “[p]rotected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain”).

<sup>2</sup> For example, it is unclear in the broad generic descriptions contained in R317-2-13 whether Class 3A designations apply to numerous waterbodies that contain or are likely to contain cold water fish species including, but not limited to: Antimony Creek (assessment unit ID: UT16030002-008); Asay Creek (assessment unit ID: UT16030001-011); Upper Mammoth Creek (assessment unit ID: UT16030001-015); and Sevenmile Creek (assessment unit ID unknown). *But see* Utah Travel Industry, *Fish All of Southern Utah*, <https://utah.com/fishing/southern-utah> (identifying each of these streams as habitat for various cold water fish species such as brown, cutthroat, and rainbow trout) (last visited March 22, 2017).



waters throughout the state of Utah.<sup>3</sup> DWR also prepares a fish stocking report which identifies waterbodies managed for the introduction of cold water fish species.<sup>4</sup>

In addition, DWQ should solicit and collect information regarding cold water fish species from citizen groups and organizations with demonstrated knowledge and expertise on fishing in Utah that may inform the Triennial Review such as Utah Trout Unlimited and the Stonefly Society of the Wasatch.<sup>5</sup>

SUWA appreciates your consideration and attention to these comments and requests the opportunity to meet with you and/or your staff to discuss these matters with regard to the Triennial Review.

Sincerely,

/s/ Landon Newell

Stephen H.M. Bloch  
Landon Newell  
425 East 100 South  
Salt Lake City, UT 84111  
[steve@suwa.org](mailto:steve@suwa.org)  
[landon@suwa.org](mailto:landon@suwa.org)

Attorneys for Southern Utah  
Wilderness Alliance

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<sup>3</sup> See DWR, Fishing reports, <https://wildlife.utah.gov/hotspots/> (last visited March 22, 2017).

<sup>4</sup> See DWR, Stocking reports, <https://dwrapps.utah.gov/fishstocking/Fish> (last visited March 22, 2017).

<sup>5</sup> See Trout Unlimited, Utah Trout Unlimited, <http://tuutah.org/> (last visited March 22, 2017); The Stonefly Society, <http://www.stoneflysociety.org/> (last visited March 22, 2017).





March 21, 2017

Chris Bittner  
Utah Division of Water Quality  
P.O. Box 144870  
Salt Lake City, UT 84114-4879

Submitted via email: [cbittner@utah.gov](mailto:cbittner@utah.gov)

Mr. Bittner:

On behalf of FRIENDS of Great Salt Lake (FRIENDS) and Western Resource Advocates (WRA), thank you for the opportunity to submit comments on the 2017 Water Quality Standards Triennial Review (2017 TR). We'd like to express our appreciation for all of the thought and hard work that has gone into this document, and we view this document as a clear indication that the Utah Division of Water Quality (DWQ) is willing to take whatever actions it deems scientifically necessary to protect Utah water, and especially Utah Lake and Great Salt Lake, from the effects of excess nutrient loading. FRIENDS and WRA support you in that effort.

FRIENDS of Great Salt Lake (FRIENDS) is a non-profit organization that has, as its mission, the preservation and protection of the Great Salt Lake ecosystem as well as Great Salt Lake's watershed, and the organization seeks to increase public awareness and appreciation of the Lake through education, research, advocacy, and the arts. The organization has long been involved in the protection and restoration of Great Salt Lake, its ecosystems and its watershed, advocating for ways in which the public may enjoy these resources by fishing, bird-watching, boating, photographing, hiking and studying these natural areas. On behalf of its members, FRIENDS frequently participates in agency processes that affect Great Salt Lake. FRIENDS considers this participation to be critical to its mission and to be valuable as a means of influencing the administration of lands that will lead to the protection and preservation of the Greater Great Salt Lake watershed.

Western Resource Advocates (WRA) is an organization that works to protect the West's land, air, and water. WRA's team of scientists, lawyers, and economists craft and implement innovative solutions to the most complex natural resource challenges in the region. WRA works on water quality issues in the west, and has a keen interest in participating in Great Salt Lake's water quality development.

### **Ongoing Work Topics**

WRA and FRIENDS support DWQ's ongoing work to reclassify Utah Lake's beneficial uses from a 2B (secondary contact recreation) to a 2A (primary contact recreation) water body. As DWQ is certainly aware, Utah Lake has been historically used for primary water contact

Arizona  
P.O. Box 64128  
Tucson, AZ 85728

Colorado  
2260 Baseline Rd.  
Suite 200  
Boulder, CO 80302

Nevada  
550 W. Musser Street  
Suite 1  
Carson City, NV 89703

New Mexico  
409 East Palace Ave.  
Unit 2  
Santa Fe, NM 87501

Utah  
150 South 600 East  
Suite 2AB  
Salt Lake City, UT 84102



recreation activities, such as water skiing and wakeboarding, and the Lake's narrative water quality standards should be changed to support the primary contact recreation that frequently occurs on Utah Lake. WRA and FRIENDS note that this action is currently listed as a medium level priority, but that its untended completion date is 2017. Both WRA and Friends support the proposed completion date, but would encourage DWQ to change the priority level to high, as frequent primary contact recreation currently occurs on Utah Lake, as cited by DWQ in the 2017 TR.

WRA and FRIENDS ALSO support DWQ's ongoing project to review the beneficial uses for Willard Spur, Bear River Bay, and the Great Salt Lake. It is important for the Great Salt Lake, including its bays, to have a beneficial use designation that accurately represents its uses. WRA and FRIENDS look forward to the results of the pending studies referenced in the 2017 TR, and will continue to engage in the beneficial use designation processes for these water bodies.

### **Future Topics**

WRA and FRIENDS have great support for DWQ's proposal to develop numeric water quality standards for the following areas of the Great Salt Lake: Gilbert Bay, Farmington Bay, and Bear River Bay. WRA and FRIENDS are extremely supportive of DWQ's designation of these tasks as a high priority. The Great Salt Lake is not adequately protected in areas without numeric water quality standards, and those standards must be developed as soon as is practicable, while allowing for the best available data and science are used to set those standards.

WRA and FRIENDS also support DWQ's efforts pertaining to Great Salt Lake's wetlands, both to establish the appropriate beneficial use categories and to evaluate the assessment methodology being used to determine the appropriate numeric water quality standards for the wetlands. WRA and FRIENDS support DWQ placing both these tasks at the high priority level, and ask that those tasks remain a high priority, and that as soon as practicable, the task of establishing numeric water quality standards for these wetlands be added as an ongoing work topic.

### **Inactive**

WRA and FRIENDS both note that both translating the selenium standard from egg tissue to a water quality standard and sediment water quality and quantity criteria for Great Salt Lake have both been placed in the inactive section of the 2017 TR. WRA and FRIENDS understand that these are both challenging issues that require best science, and that the current data available, as well as the conditions of Great Salt Lake, make these issues difficult. However, WRA and FRIENDS encourage DWQ not to make these projects inactive, but to instead place them on the Future Work Topics list so that DWQ may continue to make progress on these challenging but important issues.



## **Conclusion**

Again, thank you very much for the opportunity to comment on this document. We appreciate the work that DWQ continues to put into addressing water quality issues for both Utah Lake and Great Salt Lake.

Very Truly Yours,  
*/s/ Ariel C. Calmes*  
Ariel C. Calmes



# Public Hearing

**PUBLIC HEARING ON 2017 TRIENNIAL REVIEW  
STANDARDS OF QUALITY FOR WATERS OF THE STATE,  
R317-2, UTAH ADMINISTRATIVE CODE**

Multi-Agency Building, Board Room

195 N 1950 W, Salt Lake City, UT

March 13, 2017

6:00 – 7:00 p.m.

No one attended.

*Chr. R. R.* Hearing Officer  
**NAME/ ORGANIZATION (Please Print)**

**ADDRESS/ E-MAIL**

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## IV. Updated Standards Tracking Worksheets



## Utah Water Quality Standards Tracking Readme

These spreadsheets are intended to identify and track the Utah Division of Water Quality's (DWQ's) priorities for revisions to R317-2, Standards of Quality for Waters of the State. These spreadsheets are frequently updated the DWQ Standards Coordinator should be consulted for the most recent version. The identified issues may or may not result in any changes to the water quality standards. Only the Utah Water Quality Board has the authority to revise water quality standards after comments from the public and other interested parties are considered. After adoption by the Utah Water Quality Board, all standards changes must also be approved by U.S. Environmental Protection Agency.

There are 4 worksheets. Each worksheet is organized sequentially by subsection as they appear in UAC R317-2, e.g., R317-2-1, R317-2-2, R317-2-3, etc. A brief description and explanation of the revision are provided. The level of effort is a qualitative estimate of amount of DWQ resources necessary to evaluate the issue and develop appropriate rule language including both staff time and data needs. The projected dates for completion are based on DWQ's best estimate at the time based on current priorities. Past experience indicates that the completion dates may deviate from projected completion dates because of changing priorities.

The Current worksheet includes standards issues that are currently being evaluated and represent DWQ's current priorities.

The Future Evaluation worksheet includes standards issues that are either not scoped or an action is anticipated but the actions are dependent on specific data that are or will be collected and evaluated in the future.

The Hold worksheet is similar to the Future worksheet except that these standards issues had some evaluation but are currently on hold for an indeterminate time.

The Resolved worksheet includes standards issues that have been resolved.



Utah Water Quality Standards Tracking Current Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Revise requirement to do a level II ADR for Class 1C waters	Low	High	2014	Reed Obendorfer, CUP	2017	This requirement was added when Utah had several off ramps and Level II ADRs were not required. Under Utah's current approach, level II ADRs are required for all new or expanding discharges which meets the intent of the Class 1C requirement to do a level II ADR. As of 5/17, awaiting formal rulemaking
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
<b>6 Use Designations</b>							
	Develop wetland uses	High	High	2011	EPA/DWQ		DWQ continues to work on developing wetland standards with EPA grant support. Development of use classes is anticipated to the first step followed by development of narrative or numeric criteria to protect those uses.
<b>7 Water Quality Standards</b>							
	Compliance Schedules	Low	Medium	2017	EPA/DWQ	2017	Federal regulations require an authorizing provision in water quality standards if UPDES permits will use compliance schedules to provide time to comply with water quality standards.
	Variance policy	High	High	2012	Chris Bittner, DWQ	2018	A variance policy in Utah Standards is not mandatory. USEPA will review all variances for compliance with Federal Regulations. Utah anticipates that a variance policy is an integral component of the nutrient implementation strategies. As the nutrient strategies are developed, a specific Utah-specific policy may be needed. In the interim, a sentence noting that the Water Quality Board may grant variances that are consistent with the Federal Requirements is proposed.
<b>8 Protection of Downstream Uses</b>							
	Protection of downstream uses	Low	Low	2012	Chris Bittner, DWQ	2018	For the 2017 Triennial Review, EPA commented that a downstream protection provision should be added to the standards. R317-2-8 already includes a requirement to protect downstream uses. The adequacy of this requirement will be reviewed as part of the efforts to develop numeric criteria for the Utah's headwaters.
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
		Low	Low	2017	EPA	2017	Ensure that the public participation requirements are consistent with 40 CFR 131.20. Rule revisions proposed 2017
<b>12 Category 1 and Category 2 Waters</b>							
<b>13 Classification of Waters of the State</b>							



Utah Water Quality Standards Tracking Current Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Add footnotes when a site-specific criterion applies with different footnotes for site-specific criteria based on recalculation and site-specific criteria based on a use attainability analysis.	Low	Low	2016	Chris Bittner, DWQ	2017	This will help to ensure that appropriate criteria are applied. This is a non-substantive changes because no uses or criteria are being changed.
	Assign Beneficial Uses to Red Creek (Iron County), Cedar/Beaver WMU	Low	Low		Scott Daly, DWQ		Red Creek (Iron County) does not have specifically assigned uses and is therefore designated as Classes 2B, 3D (R317-2-13.13). An associated reservoir, Red Creek Reservoir (Iron County) has designated uses of Classes 2B, 3A, and 4. Red Creek upstream and downstream of the reservoir are recommended to include the same designated uses as the associated reservoir.
	Reclassify Mill Creek (Moab) from Class 2B to 2A	Low		2015	Arne Hulquist, Watershed Coordinator	2017	Change is supported by photographs, internet entries, a letter from the BLM, and the local watershed chapter. As of 5/17, awaiting formal rulemaking
	Reclassify Utah Lake from Class 2B to 2A	Low	Medium	2015	Erica Gaddis, DWQ	2017	Utah Lake supports extensive frequent primary contact via water skiing and wake boarding. As of 5/17, awaiting formal rulemaking
	Review beneficial uses for Willard Spur, Bear River Bay, Great Salt Lake	High	Medium	2011	Jeff Ostermiller, DWQ	2018	Need narrative standards for temperature, dissolved oxygen and ammonia or alternative methods to protect the use. Need Use Attainability Analysis to remove existing Class 3B numeric criteria for these parameters in the Bear River Migratory Bird Refuge. Receiving water for POTW
	Add Class 1C to Battle and Grove Creeks, Utah County	Low	Low	2016	American Fork City	2017	Battle and Grove Creeks are currently classified as Classes 2B and 3D and are Category 1 waters. The aquatic life use will be updated in addition to adding the drinking water use. DWQ contacted the Utah Division of Wildlife Resources who identified these streams as supporting cold water aquatic life. DWQ will conduct a site reconnaissance in the summer 2017 to verify that the temperature requirements for Class 3A. The standards revision will be proposed after these data are available.
<b>14 Numeric Criteria</b>							
	Jordan River site-specific temperature	High	High	2011	Hilary Arens DWQ	2018	Jordan River-5, -6, -7 impaired. 2016-2017 additional data being collected by POTWs. Need to consider fish surveys to address reports of trout. These reaches have permitted discharges
	Site-specific TDS Standard Utah Lake	Low	Medium	2017	2016 Integrated Report		Impaired, permitted discharges, downstream impairments
	Jordan River site-specific TDS	High	High	2011	Hilary Arens DWQ		Jordan River-4, -5, -6, -8 impaired. Utah Lake's TDS impairment needs to be resolved first or simultaneously. These reaches have permitted discharges.



Utah Water Quality Standards Tracking Current Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Silver Creek Summit County site-specific TDS	High	High	2016	Kari Lundeen, DWQ	2018	Impaired. These reaches have permitted discharges.
	Resolve EPA disapproval of Great Salt Lake selenium Antidegradation Trigger	Low	Low	2012	EPA	2018	USEPA disapproved because inconsistent with EPA ADR Policy but has little affect on requirements. Coordination with EPA to resolve ongoing.
	Delete temperature from fluoride criteria	Low	High	2015	Chris Bittner, DWQ	2017	Temperature correction was based on a presumed increased water ingestion rate at higher temperatures that is no longer supported by EPA.
	Review iron criteria for dissolved and total	Medium	Medium	2011, 2014, 2017	EPA	2018	Iron criteria may have been erroneously changed to dissolved when other metals were changed to dissolved although absent a dissolved to total translator, 1 is assumed resulting in implementation as a totals criterion. However, the criterion could be modified site-specifically by measuring the dissolved fraction potentially resulting in an inappropriate modification to the criterion.
	State-wide nutrient criteria: numeric nutrient criteria for casual and response variables for streams/rivers and lakes/reservoirs	High	High	2011	Jeff Ostermiller, DWQ	2018	2014 focus was on technology-based standards for P. Use-based criteria for headwaters expected in 2018 with statewide criteria to follow.
	Adopt carbaryl criteria consistent with EPA 2013	Low	Medium	2014	EPA	2017	2nd most frequently detected insecticide in water in the United States. Not a pollutant in any discharge permits nor is carbaryl currently a target analyte for assessment. As of 5/17, awaiting formal rulemaking
	Update Se Aquatic Life Criteria to be consistent with USEPA 2016	High	Medium	2016	Chris Bittner, DWQ	2020	The 2016 USEPA selenium criteria are tissue-based and expected to be more stringent than the existing and lower than ambient for some Utah Locations. DWQ reviewed the results for game fish collected as part of the mercury monitoring program. None of the fish were collected from impaired waters, nor did selenium concentrations exceed the 2016 criterion. Additional sampling, including nongame fish and impaired waters are needed.
	Adopt methylmercury criterion consistent with EPA 2000	Medium	High	2011 & 2014	EPA	2018	Multiple implementation considerations, implementation methods should be developed prior to adopting tissue-based std. The 2016 EPA selenium criteria are also tissue-based, and implementation methods will be developed in tandem for both selenium (tissue-based) and methylmercury.
	Methylmercury criterion Implementation	High	High	2011	Chris Bittner, DWQ	2018	Need implementation methods prior to promulgating methyl mercury standard
	Update Cd Aquatic Life Criteria to be consistent with USEPA 2016	Low	Low	2016	Chris Bittner, DWQ	2017	Acute more stringent (2.0 to 1.8 ug/l) and chronic less stringent (0.25 to 0.72 ug/l). Cd does not have reasonable potential for any UPDES permit.
	Adoption of the new ammonia criteria consistent with EPA 2013 and implementation methods	High	High	2014	EPA	2022	Historical surveys completed in 2017. Implementation guidance in public review 5/17 that includes schedule.



Utah Water Quality Standards Tracking Current Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Silver acute criterion for aquatic life	Low	Medium	2015	Nancy Mesner, USU	2015	The table value at 100 mg/l hardness is incorrect and should be 3.2 ug/l
	Pre-calculated ammonia numbers incorrect	Low	Low	2015	Nicholas Von Stackelberg, DWQ	2015	The values were inadvertently changed by UDAR during one of the previous rulemakings
	Update Human Health Criteria Table	Low	Medium	2017	Chris Bittner, DWQ	2017	Several of the criteria were updated by USEPA in 2015.
	Site-specific TDS standard for lower Surplus Canal, Salt Lake County	Medium	High	2016	Salt Lake Airport	2018	The Surplus Canal is currently impaired for TDS and a UAA is being conducted to develop a site-specific TDS criterion for the Surplus Canal downstream of the Northpoint Diversion
	Site-specific TDS standard for Kanab Creek	High	High	2015	Alton Coal	2018	Kanab Creek assessment units 1 and 2; discharge permits affected
	Add "and tributaries" to Quitchupah Creek site-specific TDS std	High	Low	2016	Emily Flemer, DWQ	2017	The same factors supporting the site-specific TDS criterion for Quitchupah Creek apply to the tributaries
	Existing Sevier River site-specific TDS standard	Low	Low	2015	Mark Stanger, DWQ	2017	The standard from Gunnison Bend Reservoir to Clear Lake is incorrect because Sevier River doesn't flow into/out of Clear Lake.
	Add dissolved footnote to inorganics in Table 2.14.1	Low	Low	2015	Chris Bittner, DWQ	2018	The Class 1C criteria are based on MCLs and MCLs are dissolved. The Class 1C use includes treatment as required by the Utah Division of Drinking Water that would remove suspended solids. The agricultural boron value corresponds with N.M. which is in dissolved
	Utah Lake phosphorus standard	High	High	2016	2016 Integrated Report		Data collection is ongoing
Light gray highlighting shows revisions proposed to the Utah Water Quality Board for rulemaking at the December, 2017 Meeting. Revisions shown in darker gray approved by the Board to commence rulemaking at the May, 2017 meeting .							



Utah Water Quality Standards Tracking On-Hold Topics

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Clarify antidegradation review requirements in rule and implementation guidance.	Low	Low	2017	EPA	2020	See EPA comments for 2017 Triennial Review. These changes should be incorporated the next time the guidance or rule is revised.
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
<b>6 Use Designations</b>							
	Implement identification numbers to provide consistency between standards, assessment, and TMDLs (e.g., NHD)	Medium	Low	2011	Chris Bittner, DWQ		Need to decide on best identifier. Small LOE from WQS Workgroup, large effort DWQ to implement.
	Develop tiered aquatic life beneficial uses.	High	Low		Jeff Ostermiller, DWQ		In the interim, site-specific standards can be applied. If these site-specific standards can be binned into a sub-use class, the sub-use classes will be created.
<b>7 Water Quality Standards</b>							
	Revise standards to indicate that the criterion is the greater of ambient or use-based criterion.	Low	High	2013	Chris Bittner, DWQ		Utah Standards already allow for setting site-specific standards. However, without the proposed change, Utah is obligated to list assessment units as impaired until a site-specific standard is promulgated even if the USEPA approved TMDL concludes that the source of the impairment is not anthropogenic. A rule change would allow the State to avoid listings these sites as impaired. From USEPA's 2014 Integrated Report memorandum: "States may have natural background provisions in EPA approved water quality standards that specify the applicable aquatic life water quality criterion will be equal to the natural background level of a pollutant if it is determined that the natural background level is less stringent than the otherwise applicable criteria. In the absence of a natural background provision in an EPA approved water quality standard or a site-specific criterion based on natural background, the otherwise applicable criterion is the basis for determining whether a waterbody is impaired." In 2016, this change was proposed and during the rule comment period, EPA indicated that it would not be approvable. In EPA's comments, they indicated that one key deficiency was the lack of a definition of "natural." Montana is currently working on definitions in response to State legislation. Utah will wait the outcome of Montana's rulemaking.
<b>8 Protection of Downstream Uses</b>							
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
<b>12 Category 1 and Category 2 Waters</b>							
	Recategorize the following waters from Category 3 to Category 2: Provo from Jordanelle to Olmsted Diversion excluding Deer Creek Reservoir	Medium	Low	2011	Paul Dremman, TU		Trout Unlimited request: review existing 208 restrictions on discharges. Waiting for TU to compile supporting rationale and documentation 9/12/2011.
<b>13 Classification of Waters of the State</b>							
	Assign Beneficial Uses to Lee Creek	Medium	Low		Nicholas Von Stackelberg, DWQ		Lee Creek is currently assigned the default uses of Class 2B, and 3D. DWQ does not have data to suggest that the default uses are not protective.
<b>14 Numeric Criteria</b>							
	Translator for GSL selenium standard (egg to water translator)	High/Med	High	2011	Chris Bittner, DWQ		A translator is highly desirable for determining appropriate effluent limits for selenium. A translator is not feasible at existing Great Salt Lake selenium concentrations (<1 ug/l) as documented in the 2014 Jordan Valley Water Conservancy District UPDES permit FSSOB. Future data and/or research may support the determination of a translator in the future.
	Develop an action planning process when an MMI Analysis does not show a wetland meets an acceptable quality level as compared to the reference wetland. This would include the an analysis of beneficial use protection and would be in conformance with recommendations from the National Academy of Sciences TMDL Report (see page 49).	Medium	Low	2011	Leland Myers, CDSD		Pending validation and applicability of MMI.
	Sediment quantity criteria for GSL	High	Low	2011			Technically challenging for and systems with highly variable sediment loading



Utah Water Quality Standards Work Plan Topics On-Hold

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Clarify antidegradation review requirements in rule and implementation guidance.	Low	Low	2017	EPA	2020	See EPA comments for 2017 Triennial Review. These changes should be incorporated the next time the guidance or rule is revised.
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
<b>6 Use Designations</b>							
	Implement identification numbers to provide consistency between standards, assessment, and TMDLs (e.g., NHD)	Medium	Low	2011	Chris Bittner, DWQ		Need to decide on best identifier. Small LOE from WQS Workgroup, large effort DWQ to implement.
	Develop tiered aquatic life beneficial uses.	High	Low		Jeff Ostermiller, DWQ		In the interim, site-specific standards can be applied. If these site-specific standards can be binned into a sub-use class, the sub-use classes will be created.
<b>7 Water Quality Standards</b>							
	Revise standards to indicate that the criterion is the greater of ambient or use-based criterion.	Low	High	2013	Chris Bittner, DWQ		Utah Standards already allow for setting site-specific standards. However, without the proposed change, Utah is obligated to list assessment units as impaired until a site-specific standard is promulgated even if the USEPA approved TMDL concludes that the source of the impairment is not anthropogenic. A rule change would allow the State to avoid listings these sites as impaired. From USEPA's 2014 Integrated Report memorandum: "States may have natural background provisions in EPA approved water quality standards that specify the applicable aquatic life water quality criterion will be equal to the natural background level of a pollutant if it is determined that the natural background level is less stringent than the otherwise applicable criteria. In the absence of a natural background provision in an EPA approved water quality standard or a site-specific criterion based on natural background, the otherwise applicable criterion is the basis for determining whether a waterbody is impaired." In 2016, this change was proposed and during the rule comment period, EPA indicated that it would not be approvable. In EPA's comments, they indicated that one key deficiency was the lack of a definition of "natural." Montana is currently working on definitions in response to State legislation. Utah will wait the outcome of Montana's rulemaking.
<b>8 Protection of Downstream Uses</b>							
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
<b>12 Category 1 and Category 2 Waters</b>							
	Recategorize the following waters from Category 3 to Category 2: Provo from Jordanelle to Olmsted Diversion excluding Deer Creek Reservoir	Medium	Low	2011	Paul Dremman, TU		Trout Unlimited request: review existing 208 restrictions on discharges. Waiting for TU to compile supporting rationale and documentation 9/12/2011.
<b>13 Classification of Waters of the State</b>							
	Assign Beneficial Uses to Lee Creek	Medium	Low		Nicholas Von Stackelberg, DWQ		Lee Creek is currently assigned the default uses of Class 2B, and 3D. DWQ does not have data to suggest that the default uses are not protective.
<b>14 Numeric Criteria</b>							
	Translator for GSL selenium standard (egg to water translator)	High/Med	High	2011	Chris Bittner, DWQ		A translator is highly desirable for determining appropriate effluent limits for selenium. A translator is not feasible at existing Great Salt Lake selenium concentrations (<1 ug/l) as documented in the 2014 Jordan Valley Water Conservancy District UPDES permit FSSOB. Future data and/or research may support the determination of a translator in the future.
	Develop an action planning process when an MMI Analysis does not show a wetland meets an acceptable quality level as compared to the reference wetland. This would include the an analysis of beneficial use protection and would be in conformance with recommendations from the National Academy of Sciences TMDL Report (see page 49).	Medium	Low	2011	Leland Myers, CDSD		Pending validation and applicability of MMI.
	Sediment quantity criteria for GSL	High	Low	2011			Technically challenging for and systems with highly variable sediment loading



Utah Water Quality Standards Tracking Future Topics

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Antidegradation Policy: Implementation Guidance: Complete Category Section Complete 401, 402, and General Permits Program	Low	Low	2011	DWQ		
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
	Develop a mixing zone policy specifically for effluent dependent dry washes	High	High	2011	Nicholas Von Stackelberg, DWQ		Other States (e.g., WY, AZ) have use classes for effluent dependent waters but no specific waters have been classified as effluent-dependent. This suggests that these approaches may not be regulatorily viable.
	Evaluate applicability of current mixing policy for effluent dependent/dependent Great Salt Lake wetlands	High	High	2013	Leland Myers, CDSD		Current EPA Region 8 policy is no mixing zones for wetlands. Implementation of any numeric criteria for Great Salt Lake will require that implementation methods be developed. This topic will be considered at that time.
<b>6 Use Designations</b>							
	GSL wetlands - beneficial uses for different wetland types	High/Med	High	2011	Toby Hooker, DWQ		Wetlands work is ongoing. This task is archived until a potential change to standards is identified.
	Review Beneficial Use Class 3C	Medium	Low	2015			Review the distinction between game and nongame fish
<b>7 Water Quality Standards</b>							
<b>8 Protection of Downstream Uses</b>							
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
<b>12 Category 1 and Category 2 Waters</b>							
<b>13 Classification of Waters of the State</b>							
	Reclassify Pineview Reservoir, Weber River WMU, from 3A to 3B	Low	Medium	2002	Kan Lundeen DWQ		Recommendation of the 2002 TMDL
	Change beneficial uses of Salteratus Creek, Bear River WMU, from 3A to 3D	Low	Low	2013	Mike Allred, DWQ		DWQ no longer assesses Salteratus Creek, TMDL has most of work done.
	Evaluate the Farmington Bay, Great Salt Lake, recreational use designation	Medium	Low	2017	Leland Myers, WFWC		DWQ believes that the current recreational use designation is appropriate. Mr. Meyers' to provide rationale for change.
	Change beneficial use of Recapture Reservoir, Colorado River Southeast, from 3A to 3B	Low	Medium	2013	Mike Allred, DWQ		Recommendation of TMDL
<b>14 Numeric Criteria</b>							
	Site-specific TDS Standard Antelope Creek, Uinta WMU	Low	High	2013	Sandy Wingert, DWQ		Data require analyses. This TDS impairment is a lower priority.
	Site-specific TDS Standard Indian Canyon Creek, Uinta WMU	Low	High	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Kane Spring Wash	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Saleratus Creek, Emery	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Westwater Creek	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Comb Wash	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Paria River	Low	Medium	2017	2016 Integrated Report		Paria River-2, -3 impaired.



Utah Water Quality Standards Tracking Future Topics

Rule R317- 2-	Standards Issues	DWQ LOE	Priority	Date	By	When	Notes
	Site-specific TDS Standard Bitter Creek	Low	Medium	2017	2016 Integrated Report		Upper and Lower impaired
	Site-specific TDS Standard Evacuation Creek	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Wahweap Creek	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Chance Creek	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard San Pitch River-1	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Lost Creek-1 Salina	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Butterfield Creek	Low	Medium	2017	2016 Integrated Report		Impaired
	Site-specific Selenium Standard Butterfield Creek	Low	High	2017	2016 Integrated Report		Impaired
	Site-specific TDS Standard Chicken Creek-2	Low	Medium	2017	2016 Integrated Report		Impaired
	Delete pH and DO standards for all wetlands. Replace with a multi-metric index or narrative approach.	Med/High	Low	2011	Jeff Ostermiller, DWQ		Narrative will first be developed for Willard Spur.
	Develop numeric criteria for Gilbert Bay, Great Salt Lake	High	High	2012	Chris Bittner, DWQ		Bioassays ongoing
	Develop numeric criteria for Farmington Bay, Great Salt Lake	High	High	2012	Chris Bittner, DWQ		Develop resident species lists. Aquatic Life Use workshop held in 2015 and report issued that identifies key data gaps.
	Develop numeric criteria for Bear River Bay, Great Salt Lake	High	Medium	2012	Chris Bittner, DWQ		Develop resident species lists and determine if USEPA species deletion procedure can be applied. Aquatic Life Use workshop held in 2015 and report issued that identifies key data gaps.
	Revised temperature criteria with consideration of assessment methods	High	Medium	2011	Chris Bittner, DWQ		New temperature listings could have a low priority (unless waterbody is receiving a thermal discharge), and potentially be delisted once standards are revised. Court disapproved Oregon's natural conditions temperature criteria. Review revised Oregon approach when completed. Should include an allowance for excursions due to unusual weather. Can work with TMDL group to develop rationale for site-specific standards proposals until a state-wide approach can be developed.
	TDS - explore dividing the agricultural use into livestock and irrigation and the necessary criteria to adopt those uses (e.g., adoption of EC/SAR criteria for irrigation, criteria for livestock)	High	Medium	2011	Chris Bittner, DWQ		Can work with TMDL group to develop rationale for site-specific standards proposals until a state-wide approach can be developed; Montana rules withstood legal challenge in 2016(?).
	Adopt updated aquatic life water quality criteria for chloride	Low	Medium	2011	EPA		USEPA updated AWQC. Adoption was delayed in 2011 until DWQ can evaluate the applicability to Utah of the USEPA default chloride standard. Aquatic life criteria for ions (e.g., TDS) in needed.
	Averaging periods that consider assessment methods for high frequency temperature measurements	Medium	Low				Assessment methods proposed in 2016 Integrated Report.
	Evaluate existing DO standards and assessment methods for lakes and reservoirs	Medium	Medium	2012	Loreina Guenzel, EPA8	2018	Ensure that assessment methodology is consistent with dissolved oxygen standard for issues such as TMDL targets of 50% of the water column having sufficient DO or limiting the application of the standard to the epilimnion of stratified lakes.



Utah Water Quality Standards Tracking Resolved Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
<b>1C Triennial Review</b>							
<b>2 Scope</b>							
<b>3 Antidegradation Policy</b>							
	Antidegradation Policy: Implementation Guidance: Complete Category Section Complete 401, 402, and General Permits Program	Medium	Medium	2011	Nicholas Von Stackelberg, DWQ	2013	The implementation guidance was originally part of the rule revision package. Changes to the guidance is not a standards change. DWQ's intent is to continue to use the WQS workgroup to review changes to implementation guidance.
	Change Categories 1, 2, and 3 to Tier 1, 2, and 3 to be consistent with Federal program and other States	Low	Low	2011	Chris Bittner, DWQ	2014	Eliminate confusion regarding the nexus of Federal and State Rules. Utah's Categories don't match up with USEPA Tiers and DWQ decided not to pursue this change because the terminology between State and USEPA could not be reconciled without revising the intent of the rule.
<b>4 Colorado River Salinity Standards</b>							
<b>5 Mixing Zones</b>							
<b>6 Use Designations</b>							
<b>7 Water Quality Standards</b>							
	Modify standards to allow the use of the biotic-ligand model or water effects ratio for site-specific standards	Low	Low			Completed 2012	R317-2-7 was concluded to already allow for site-specific standards for a several reasons including the biotic-ligand model or water effects ratio.
	Revise "a less stringent criterion is appropriate because of natural or un-alterable conditions" to apply to any parameter, not just TDS and temperature	Low	Medium			Completed 2012	R317-2-7 was revised to allow for site-specific standards for a general reasons that would include the biotic-ligand model or water effects ratio.
	Assess Biotic ligand model for inclusion into zinc aquatic life standards	Medium	Low			Completed 2012	R317-2-7 allows for site-specific standards for a several reasons including the biotic-ligand model or water effects ratio. Currently, USEPA has not accepted a biotic-ligand model for pollutants other than copper.
	Revisions to narrative standard - expand to address biological condition	Med/Low	High			Completed 2013	Revisions will better align standards with assessments based on biology
<b>8 Protection of Downstream Uses</b>							
<b>9 Intermittent Waters</b>							
<b>10 Laboratory and Field Analyses</b>							
<b>11 Public Participation</b>							
<b>12 Category 1 and Category 2 Waters</b>							
	Revise Category 1 descriptions for Oakley and Coalville WWTPs	Low	Medium			Completed 2012	Category 1 boundary is defined as US 189 which subsequently was moved with road construction. US189 is no longer a valid geographical residence. Reestablish Category 1 boundary in the same location with a new reference.
	In R317-2-12.2 Revise Category 2 Fountain Green To Uintah, should be Category 3	Low	Medium			Completed 2012	This exception was inadvertently moved from R317-2-12.1 during the last rulemaking resulting in this reach being changed to Category 2 as opposed to being excluded from Category 1 (and by default, Category 3)
<b>13 Classification of Waters of the State</b>							
	Blue Creek Site-specific TDS Standard	Medium	High	2008	ATK	2014	Site-specific TDS standard adopted 2014



Utah Water Quality Standards Tracking Resolved Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Revise upstream boundary for Spring Creek (Bear River WMU) site-specific TDS standard	High	Low	2011	Chris Bittner, DWQ		Existing boundary is US 89 which is downstream of the facility that instigated the investigation for a site-specific standard. 05/10/2011, no change necessary, boundary is the beginning of Spring Creek.
	Assign beneficial uses	Low	High			Completed 2012	Sand Hollow Reservoir; Big East Reservoir; Emigration Creek Red Butte Creek
	Change Recreation Beneficial Use	Low	Medium			Completed 2012	Restored Ogden River from 2B to 2A; Fremont River Capitol Reef from 2B to 2A; Hyrum Reservoir from 2B to 2A (already 2A, 05102011)
	Remove or define astericks in lake beneficial uses	Low	Low			Completed 2012	Delete 2B wherever more stringent 2A assigned
	Change Burriston creek to Currant Cree	Low	Low			Completed 2013	The WQ standards list the inlet stream for Mona Reservoir as Burriston Creek (see R317-2-13.5-c) However, the USGS maps and DWQ publications like "Utah's Priority Lakes and Reservoirs" describe the inlet and outlet stream as Currant Creek. There is a small group of ponds called "Burriston Ponds" located about 1.5 miles upstream from the inlet of Mona Reservoir near Currant Creek. I assume the use of Burriston Creek may be a local name, but I think Currant Creek is more official. In addition, the outlet stream of Mona Reservoir is known in the WQ standards as Currant Creek. In the beneficial use designation section (R317-2-13.5-c):Burriston Creek from Mona Reservoir to headwaters....2B 3A, 4 should read: Currant Creek from Mona Reservoir to headwaters....2B 3A, 4
	Add the Class 1C use to Weber River-3	Low	Low	2014	Erica Gaddis, DWQ	2016	Weber River-3 has drinking water intake for WCD Central. Weber Basin Water Conservancy District was consulted and reported that they do not have drinking water intakes in this reach. No change is necessary.
	Add the Class 1C use to Scout Lake	Low	Low	2014	Erica Gaddis, DWQ	2016	Scout Lake was supported to be a public drinking water source (Camp Steiner) but after further investigation with the Division of Drinking Water, the water source is a spring. No change is necessary.
<b>14 Numeric Criteria</b>							
	Delete acute criteria for mercury	Low	Medium			Completed 2012	Acute standard no longer supported by USEPA because standard not protective of bioaccumulation
	Adopt updated human health water quality criteria for phenol, acrolein, and tributyl tin	Low	Medium			Completed 2012	USEPA updated AWQC
	Adopt updated aquatic life water quality criteria for acrolein, chlorpyrifos, and tributyl tin	Low	Medium			Completed 2012	USEPA updated AWQC
	Site-specific TDS Standards	Medium	High			Completed 2012	Price River between Soldier and Coal Creeks;
	Fix formula for calculating H2S	Low	Medium	2012		2015	Formula deleted. Standard methods provide appropriate formulas
	Housekeeping: Fix footnote reference for pollution indicators in Aquatic Life table		Low	2014	Chris Bittner, DWQ	2015	Pollution indicator should be footnote 10 instead of 11.



Utah Water Quality Standards Tracking Resolved Topics

Rule R317-2	Standards Issues	DWQ LOE	Priority	Date Rqst	By	When	Notes
	Hardness Correction formulas for Ni, Ag, and Zn missing parantheses	Low	Low	2013	Leland Myers, CDSD	2015	Corrected
	Investigate if Gross Alpha should be indicator	Medium	Medium	2015	Chris Bittner, DWQ	2015	EPA does not have criteria for gross alpha, like gross beta, which is an indicator, gross alpha is a non-specific measurement
	Identify Table 13.2 in the standards	Low	Low	2011	Chris Bittner, DWQ		No reference in standards for table. 05/10/2011, No change necessary because none of the tables in R317-2 have references.
	Update the zinc criteria	Low	Low	2011	Chris Bittner, DWQ		C.Bittner reviewed the 2002 EPA criteria for zinc and Utah's is current
	GSL indicator values/criteria	High	High	2011	Chris Bittner, DWQ	2014	Development of indicator values/criteria will streamline permitting inefficiencies and assist assessment of the GSL. The UPDES permitting program has adopted an approach for permitting negating the need for indicators.