



ENVIRONMENTAL PROGRAMS DEPARTMENT

SOUTHERN UTE INDIAN TRIBE
PO BOX 737 MS #81, IGNACIO, CO 81137
(970) 563 – 0135 (Office) · (970) 563 – 0384 (Fax)

November 12, 2024

Via Electronic Mail

Notice and Request for Public Comment -- Triennial Review of Tribe's Water Quality Standards for Surface Waters on the Southern Ute Indian Reservation

In accordance with Section 303(c)(1) of the Clean Water Act (codified at 33 U.S.C. § 1313(c)(1)) and Section 3 of the Southern Ute Indian Tribe's Water Quality Standards for Surface Waters on the Southern Ute Indian Reservation, the Tribe is required to hold a public hearing at least once every three years to review and, as appropriate, modify and adopt water quality standards as may be necessary or warranted to comply with applicable federal regulations or to meet Tribal water quality goals. This is referred to as a "Triennial Review." Pursuant to direction from the Southern Ute Indian Tribal Council, the Tribe's Environmental Programs Department is responsible for administering the Tribe's surface water quality standards and for conducting the required Triennial Review.

As part of the Triennial Review, the Environmental Programs Department is proposing the following amendments to the Tribe's surface water quality standards:

- 1) *Removing* the chronic criterion for mercury for aquatic life. EPA is working on an update to the chronic aquatic life mercury criterion. The Tribe will replace this criterion upon EPA's promulgation of a new chronic criterion for this pollutant. The acute aquatic life criterion for mercury will remain in place.
- 2) *Adding* criteria for two cyanotoxins within waterways with the designated use Primary Contact Recreation. These toxins can be associated with harmful algal blooms and the proposed criteria are protective of humans, pets, and livestock. The Environmental Protection Agency published these recommended values for microcystins and cylindrospermopsin under Clean Water Act section 304(a) to protect recreational uses, and for states and authorized tribes to consider as the basis for swimming advisories for notification purposes to protect public health in recreational waters:
 - a. For an assessment duration of a 1 in 10-day assessment period across a recreational season, and assessment frequency of no more than 3 excursions* in a recreational season in more than one year:
 - i. microcystins: 8 micrograms (µg)/liter (L)
 - ii. cylindrospermopsin: 15 µg/L
- 3) *Correcting* certain citations.

4) *Clarifying* that the Environmental Programs Department is delegated authority to administer the Tribe's WQS and is responsible for the triennial review process.

The Environmental Programs Department will hold a public comment period from November 12, 2024, to January 2, 2025, as well as a public hearing at 10 a.m. on January 16, 2025 (date/time subject to change). All comments received during the public comment period and at the hearing will be considered.

- To attend the hearing online, please [register here before the event](#).
- To attend the hearing in-person:

Large Conference Room (see enclosed map)
Southern Ute Environmental Programs Department
71 Mike Frost Way
Ignacio, CO 81137

The document pertinent to the proposed revisions to the Tribe's surface water quality standards revisions hyperlinked below:

- [*Redline Showing Proposed Revisions to Water Quality Standards for Surface Waters on the Southern Ute Indian Reservation, October 2024*](#)

Your organization may submit comments by January 2, 2025 by either of the following methods:

Email: wqs@southernute-nsn.gov

Mail: Southern Ute Indian Tribe
Environmental Programs Department
Attn: Geoffrey Hensgen
P.O. Box 737 #81
Ignacio, CO 81137

Please direct any questions regarding the Tribe's standards, or requests to meet, to me at (970) 563-2206, mhutson@southernute-nsn.gov; or Geoffrey Hensgen, Water Quality Program Manager, at (970) 563-2805, ghensgen@southernute-nsn.gov; or tribal attorneys Brennah Wilson, at 970-563-2146, brwilson@southernute-nsn.gov or Sam Maynes, at (970) 247-1755, smaynes@mbssllp.com. We look forward to receiving your comments.

Sincerely,

Mark Hutson, Director
Environmental Programs Department
mhutson@southernute-nsn.gov

* An excursion is defined as a 10-day assessment period with any toxin concentration higher than the recommended criteria magnitude. When more than three excursions occur within a recreational season and that pattern reoccurs in more than one year, it is an indication the water quality has been or is becoming degraded and is not supporting its recreational use.