



FRIENDS of GREAT SALT LAKE

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June 25, 2026

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Submitted via email

Mr. Bentley:

Thank you for the opportunity to comment on the draft UPDES permit for the Tooele Valley Public Infrastructure District (TVPID) RO Water Treatment Plant, UT0026409. These comments are submitted on behalf of FRIENDS of Great Salt Lake (FRIENDS). FRIENDS has, as its mission, the preservation and protection of the Great Salt Lake ecosystem and 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 and its ecosystem, advocating for ways in which the public may enjoy these resources by hunting, birdwatching, boating, photographing, hiking and studying these natural areas. On behalf of its members, FRIENDS frequently participates in agency processes related to the management of the Lake, including commenting on draft UPDES discharge permits. FRIENDS considers this participation to be critical to its mission and to be valuable as a means of influencing the administration of the Lake and of protecting and preserving the Lake ecosystem.

Introduction

The TVPID RO Water Treatment Plant is the potable water infrastructure for the Utah Inland Port development, a 243-acre multi-facility industrial project organized by the Utah Inland Port Authority under the Public Infrastructure District Act. Utah Code Ann. § 17D-4-101 et seq. The project will encompass warehouse distribution centers, data centers, light manufacturing, and commercial facilities and will be directly adjacent to Great Salt Lake Class 5E transitional waters. The RO treatment plant will pump brackish groundwater from the Tooele Valley aquifer, treat it through reverse osmosis, and, at full buildout, discharge up to .26 million gallons of concentrated reject brine per day into a drainage channel that flows to the transitional waters and ultimately to Gilbert Bay. Operations are expected to commence in January 2027.

The concentrated reject brine consists of constituents from the native Tooele Valley groundwater which are concentrated about four times by the RO process. There is nothing to

suggest that synthetic compounds or industrial process chemicals will be present in the discharge. At .26 million gallons per day, the water contribution to the Lake is significant. FRIENDS' concerns with this permit are not primarily about the discharge itself, but are instead about what the permit fails to address: the cumulative water quality impacts of the Inland Port development as a whole on the Class 5E shoreline that it borders. FRIENDS is also concerned that the monitoring framework is not adequate to provide the Division with the information it will need to administer this permit effectively.

It is important to note that without the potable water supply provided by this RO plant, this Inland Port development cannot proceed. Therefore, this permit is not simply an authorization to discharge RO reject brine, it is the regulatory gateway to the entire development, and the Division must evaluate it in that context.

Comments

Below are specific concerns that FRIENDS has with the draft TVPID UPDES permit:

1. The Antidegradation Analysis Fails to Account for the Cumulative Impacts of the Inland Port Development.

The Level II Antidegradation Review submitted by TVPID addresses only the RO reject brine discharge, but is silent on the cumulative water quality effects of the broader Inland Port development. Those effects include: 1) stormwater runoff from large impervious surface areas; 2) future process discharges from individual industrial tenants; 3) sanitary wastewater from the hotel, restaurants, truck travel center, and workforce of 1,500 to 2,000 employees; 4) groundwater drawdown effects on wetland hydrology; and, 5) the combined loading from the multiple future UPDES and groundwater discharge permits related to this project that will follow.

Utah Admin. Code R317-2-3.1 requires that degradation be shown necessary to accommodate important social and economic development and states that existing water uses will be maintained and protected. The Level II ADR submitted for this permit justifies antidegradation approval by invoking the economic importance of the full Inland Port project, projecting 1,500 to 2,000 jobs and citing local development benefits. *See* Level II ADR, Part C2 (describing the development as serving “warehouse distribution centers, light manufacturing plants, data centers, a truck stop/travel center with restaurants and a small hotel and restaurant,” with projected job creation of 1,500 to 2,000 jobs.). That the ADR claims the economic benefits of the full development while limiting its environmental analysis to a single discharge stream from the RO plant is difficult to justify given that the RO Water Treatment Plant is the “but for” prerequisite for the development to proceed at all. It is unreasonable for the TVPID to claim the social and economic benefits of the whole project in order to justify this discharge, while at the same time limiting its environmental analysis to the RO reject stream. The Division must require the applicant to weigh the cumulative environmental costs of the project as a whole against the benefits that TVPID is claiming.

Further, Federal regulations independently require that NPDES permit limitations control all pollutants that cause, have the reasonable potential to cause, or that contribute to an

exceedance of any applicable State water quality standard. *See* 40 CFR 122.44(d)(1). That obligation is not met by evaluating this discharge in isolation from the larger development it enables. FRIENDS urges the Division to require the applicant to supplement the antidegradation analysis to address the full Inland Port development footprint before this permit is finalized. We also urge the Division to commit to requiring the applicant to conduct a comprehensive cumulative impact assessment before issuing additional UPDES or groundwater discharge permits for facilities within this Inland Port project. Absent that commitment, the Division's antidegradation framework risks approving incrementally degrading discharges one permit at a time, with no mechanism to evaluate their collective effect on the Great Salt Lake transitional waters until significant degradation has already occurred.

2. The Downstream Use Protection Finding Under UAC R317-2-8 Is Inadequate.

The Wasteload Analysis concludes in a single sentence that attainment of Class 2B and 3D criteria at the outfall is protective of downstream Class 5E and 5A uses. *See* Wasteload Analysis, at 5. While that may be true, the Division's conclusion that upstream standards are automatically protective of downstream Class 5E uses should be supported by written analysis, not simply asserted. Pursuant to Utah Admin. Code R317-2-8 the Division has an obligation to require a modification of waste discharge controls if necessary to protect downstream designated uses. In the case of Class 5E transitional waters, those beneficial uses consist of protection of waterfowl, shorebirds, and water-oriented wildlife and their necessary food chain. Those beneficial uses should not be presumed to be protected simply because the upstream criteria are being met. This is especially important in the context of the cumulative impacts that this project will have on these transitional areas going forward. The Division should include in the final Fact Sheet an explanation of why Class 2B and Class 3D end-of-pipe criteria are adequate to protect the Class 5E food chain beneficial use and should revisit that determination when additional permit applications associated with this project are analyzed.

3. The Permit Should Require Pre-Operational Sampling of the Actual Reject Brine Stream.

The effluent as characterized in the Level II ADR is based entirely on modeled RO reject concentrations taken from raw source water sampling. This modeling is necessary because the facility is not yet operating, and no actual reject stream exists at this point in time. While acknowledging the necessity of this approach, FRIENDS requests that the Division include a permit condition requiring TVPID to submit a comprehensive analytical suite of the actual reject brine within a reasonable time once operations begin in order to confirm that the modeled concentrations are accurate. Among other things, that suite should include the annual metals monitoring required in the permit.

4. The Permit Should Establish an Explicit Timeline for Completion of the Reasonable Potential Analysis.

The draft permit defers all metals evaluation to a future Reasonable Potential Analysis with no defined timeline, no data threshold trigger, and no obligation on the Division's part to conduct that analysis. As written, the Division could defer the RP analysis indefinitely. FRIENDS requests that the final permit include a condition requiring the Division to conduct a quantitative RP analysis after submission of the second annual monitoring report. This provides the Division

with a two-year data set while also ensuring the analysis is completed well before the permit is renewed. Allowing for an indefinite deferral of this analysis would be inconsistent with the Division's obligation under 40 CFR 122.44(d) to evaluate and control pollutants with reasonable potential to cause water quality standard exceedances.

Conclusion

Again, thank you for the opportunity to comment on the draft UPDES permit for the Tooele Valley Public Infrastructure District RO Water Treatment Plant, and for all you do to protect Great Salt Lake. If you have any questions regarding these comments, please don't hesitate to ask.

/s/ Rob Dubuc

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