

Politics

What can we help you find?

SEARCH

Salt Lake City 74° Mostly Cloudy | Traffic

Thursday, May 17, 2012 | Last Updated: 10:32 am

News Sports Blogs Opinion Money Lifestyle Entertainment Obituaries Jobs Homes Cars Classifieds Shopping Subscribe

Utah | Nation + World | Neighborhood | Politics | Justice | Polygamy | LDS Church | Education | Weather | UtahsRight.com | McEntee | Rolly | Online Today



Get news, sports and politics alerts

email address

SIGN UP

Click here to manage your alerts



(Rick Egan | Tribune file photo) The Book Cliffs area south of Vernal is proposed for the nation's first commercial tar sands mine. Environmentalists oppose the project warning of water pollution. But the state and company behind the project say there is no ground water to contaminate and the process won't pollute.

# Nation's first tar sands mine plan dispute hinges on water

**PR Spring » Opponents say the project threatens groundwater; state says there's no water to protect.**

By Brandon Loomis | The Salt Lake Tribune

First Published May 16 2012 05:01 pm • Updated 3 hours ago

A Utah judge is hearing testimony in an environmental appeal that seeks to block what could become the nation's first commercial mine producing oil from asphalt-like tar sands.

Living Rivers, a Moab-based group, appealed the state's permit for a proposed tar-sands mine because, it argues, the company and regulators ignored threats to groundwater, seeps and springs in the Book Cliffs of eastern Utah.

Arguing the appeal before state Administrative Law Judge Sandra Allen on Wednesday, attorneys for the state and the company said there's not enough water there to monitor or

### Popular Stories

1. Prep football: Cottonwood QB Cooper Bateman commits ...
2. Former St. George teacher sent to prison for sex cri...
3. ESPN, BYU announce football broadcast schedule
4. Dog's best friend? Homemade food, say pet health exp...
5. Logan motorcycle crash survivor urges driver safety

[Click here to view more](#)

### Staying Connected

Photos



At a glance

If you go

The tar-sands mine water appeal hearing continues:

**When »** 10 a.m.-5 p.m. Thursday.

**Where »** Department of Environmental Quality, 195 N. 1950 West, Salt Lake City.

**Notes »** There will be live video viewing in the Four Corners Conference Room. A ruling is expected at a later date.

Join the Discussion

- » [Post a Comment](#)
- » [Read All Comments \(18\)](#)

require a pollution permit.

US Oil Sands, the Canadian mining company formerly known as Earth Energy Resources, hired well drillers to punch 108 holes into the PR Spring area to see if the state land under lease contained any groundwater.

"There were no signs of groundwater, so they didn't note them in their [drilling] logs," said Chris Hogle, an attorney representing the company. "That is irrefutable evidence of lack of water."

Living Rivers, which appealed the permit issued last year by the Division of Water Quality, contends that groundwater exists at least intermittently in the arid hills of eastern Utah. It's what feeds seeps and springs throughout the area, said Rob Dubuc, a Western Resource Advocates attorney representing the group.

Poisoning those springs with hydrocarbons could threaten deer, elk and bighorn sheep herds that the state and conservation partners have spent millions of dollars to build in the remote area, he said.

"Today the Book Cliffs area is considered one of the greatest big-game hunting areas in the world," Dubuc said.

At issue in the appeal is whether DWQ erred in granting the mine a "permit by rule," a technical classification that requires less review than if the company had been required to apply for a permit to discharge water pollution. State officials said they did so because of the apparent lack of groundwater at the site, leading them to believe there was little potential for pollution.

Dubuc argued that the state didn't press the company to prove there's never any water in the ground, and ignored state law that he said requires protection of all state waters of any quantity.

story continues below

**Author talks about 'Breasts' at King's English**  
Published May 14, 2012 08:51:02AM

**Author Bryan Sykes documents the nation's DNA**  
Published Apr 26, 2012 03:14:02PM

**New legal rights book available for Utah seniors**  
Published Apr 25, 2012 07:43:46PM

**Holes in one**  
Published Apr 23, 2012 11:44:03PM

Robert Herbert, groundwater protection program manager for the division, initially said he believed water must exist in "usable" quantities to be regulated. Later, though, he agreed with Dubuc's assertion that such a distinction does not exist in the law, and that he could not define a usable quantity.

The appeal rests partly on a University of Utah geochemist's testimony that the citrus-based solvent that the company plans to use to strip oil from the sands will leave tailings more mobile, and therefore more likely to pollute water. Hogle said there's not likely to be much tar left to leach, though, because the company's process is designed to "squeeze every last drop of bitumen that they can from the sands."



SLCDailyDeal.com

Things to do

**Red Butte Garden Orchid Show**  
Red Butte Garden and (May 17th at 9:00am & 74 more)  
[view event details](#)

**Wicked**  
Capitol Theatre (May 17th at 10:00am & 74 more)  
[view event details](#)

**First Fridays: FAX Exhibition opening with DJ Sam Eye Am**  
Utah Museum of Conte (May 17th at 11:00am & 67 more)  
[view event details](#)

Jobs

**Mike Hale Acura**  
Sales Associate Due To A Recent Promo... >

**Fetzer's Inc**  
Cnc Programmer Fetzer Architectural W... >

**Jst Community Services**  
Jst Community Services Is Hiring For ... >

**Intermountain Donor Services**  
Organ Donation Coordinator Non-profit... >

**Talisker Deer Valley**  
Talisker On Main Fine Dining Position... >

**CLICK HERE TO SEE ALL TOPJOBS**



Shopping



**International Wado-Ryu Karate-...**  
**Utah Shakespeare Festival**  
**Stevens-Henager College**  
**Harbor Freight Tools**

The hearing room was closed to the public but video of the proceedings was shown in a conference room where about a dozen people gathered to watch. The group Utah Tar Sands Resistance handed out form letters for people to use in protesting the hearing closure.

[bloomis@sltrib.com](mailto:bloomis@sltrib.com)

Copyright 2012 The Salt Lake Tribune. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Volkswagen Southtowne  
Mini Of Murray

#### Contests and Promotions



#### Reader Comments

Reader comments on sltrib.com are the opinions of the writer, not The Salt Lake Tribune. We will delete comments containing obscenities, personal attacks and inappropriate or offensive remarks. Flagrant or repeat violators will be banned. If you see an objectionable comment, click the red "Flag" link below it.

[See more about comments here.](#)

[What are those badges some users have next to their names?](#)

[Click here to hide comments](#)



blog comments powered by DISQUS

[BACK TO TOP](#)**News**

- All Local News
- Nation + World
- Utah
- RSS
- Twitter
- Politics
- Justice
- Polygamy
- LDS News
- Education

**Blogs**

- All Blogs
- The Movie Cricket
- TV or not TV
- Bite by Bite
- The Chalkboard
- Prep and College Recruiting
- Fishing Utah
- Fly on the Wall

**Sports**

- All Sports
- Prep Sports
- Utah Jazz
- Utah Utes
- BYU Cougars
- USU Aggies
- SUU T-Birds
- WSU Wildcats
- College Sports
- NASCAR
- Real Salt Lake
- Utah Blaze
- Grizzlies
- Bees
- Winter Sports
- Outdoors
- Gordon Monson
- Kurt Kragthorpe
- Live Matchups
- Game Odds

**Money**

- All Money
- Personal Finance
- Real Estate
- Technology
- Tourism
- Money Blog

**Opinion**

- All Opinion
- Editorials
- Commentary
- Letters
- Bagley Cartoons
- TribTalk Forum
- Submit a Letter to the Editor

**Lifestyle**

- All Lifestyle
- Arts
- Faith
- Food
- Health
- Home & Family
- Outdoors
- Travel

**Entertainment**

- All Entertainment
- Sundance
- Film-Finder
- Arts
- Dining Out
- Television
- Comics
- Puzzles & Games
- Horoscopes

**Obituaries**

- Search Obituaries
- Place an Obituary

**Classifieds**

- Search Cars
- Search Homes
- Search Jobs
- Search Classifieds

**Other Services**

- Advertise With Us
- Subscribe to the Newspaper
- Login to the Electronic Edition
- Frequently Asked Questions
- Submit a breaking news tip
- E-mail the Tribune web staff
- Contact a newsroom staff member
- Submit Arts and Entertainment tips
- Access the Trib Archives
- Privacy Policy

Missing your paper? Need to place your paper on vacation hold? For this and any other subscription related needs, [click here](#) or call 801.204.6100.

**Affiliates and Partners**

MediaOne of Utah  
 Willey Honda  
 MediaOne Real Estate  
 Local Movers  
 Utah Utes  
 Hanks & Mortensen, P.C.  
 Now Salt Lake

Utah Rides  
 Wise Food Storage  
 Wasatch Woman  
 Custom Gaming Computers  
 ICU Medical  
 UtahsRight.com  
 Bathroom Vanities

Moving Companies  
 Vivint Inc. Inside Sales Jobs  
 Utah Real Estate  
 Teleperformance  
 Hometown Values  
 Clark Planetarium  
 Movers

Ken Garff Hyundai  
 Utah Business Magazine  
 Discovery Gateway  
 Utah Cars  
 Holmes Homes  
 Salt Lake Valley Buick GMC  
 In This Week

A  MediaNews Group WEBSITE  
**The Salt Lake Tribune**