



Association of Idaho Cities
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November 19, 2020

Ms. Paula Wilson, Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N Hilton
Boise, ID 83706

Re: Docket No. 58-0102-1801 Update to Human Health Criteria for Arsenic – 11/5/2020
Stakeholder Meeting

Dear Ms. Wilson/Paula,

The Association of Idaho Cities (AIC) serves to advance the interests of the cities of Idaho through legislative advocacy, technical assistance, training, and research. Idaho cities and municipal drinking water utilities play important roles as primary providers of drinking water and implementers of the Clean Water Act. Idaho cities represent over 70% of all Idaho residents. These stakeholders have significant interests in the development of water quality standards, rules, and guidance related to the protection of human and aquatic life. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Council President Elaine Clegg and our Municipal Water Users Group.

AIC has reviewed the November 5th presentation and request for comments on alternatives presented to address human health concerns from arsenic exposure from fish tissue consumption only and fish consumption coupled with drinking water arsenic exposure. AIC is not revising any previously submitted comments at this time and is instead providing some expanded recommendations for the Idaho arsenic criteria update. Please continue to refer to AIC's previously submitted comments and reach out to AIC if you have questions.

During the November 5th stakeholder meeting IDEQ staff requested input on several criteria options: four options proposed for human exposure to inorganic arsenic due to fish consumption, and two options proposed for human exposure to inorganic arsenic due to fish consumption and drinking water exposure.

With respect to the human exposure due to fish tissue consumption only, AIC wishes to reiterate that a correlation between water column concentrations of inorganic arsenic and fish tissue concentrations does not appear to exist.¹ Similar to the comments developed and submitted by IACI, AIC does not believe options that rely on a biologic accumulation factor (BAF) are technically valid. Instead, and also similar to the comments developed and submitted by IACI and IRWA, AIC recommends that the IDEQ adopt a fish tissue criterion of 8 ug/kg and a

¹ As indicated in slide #6 of the presentation provided on November 5th, the R² correlation factor equals 0.0116, which reflects both a small and unreliable relationship between fish tissue and water column inorganic arsenic.

water column screening concentration of 2.2 ug/L. This represents a modification of Option 3 discussed during the November 5th meeting. Please refer to IACI's comments and analysis for the justification of the water column screening concentration.

Regarding how the fish tissue criterion are to be written into IPDES permits, AIC believes there are legitimate ways under the Clean Water Act, Federal Code of Regulations, and Idaho statutes and rules to address these needs. AIC recommends that a subcommittee of key stakeholders and IDEQ staff be assembled in order to explore the options available to Idaho.

Regarding human exposure to inorganic arsenic from both fish consumption and drinking water sources, AIC recommends the IDEQ pursue the narrative criteria option. AIC believes the narrative criteria option is the more appropriate because it accounts for the natural conditions of the State's waters and is protective of the intended use as raw untreated water without being unnecessarily stringent and implementing unachievable water quality goals. This recommendation concurs with those submitted to the IDEQ from both IACI and IRWA, and are similar to the August 21, 2020 IACI comments which have also received concurrence and support from AIC.

AIC appreciates the opportunity to participate in the update to Idaho's human health criteria for arsenic and looks forward to working with our State and partners in the development of these and other water quality standards, and possibly more importantly, implementation guidance for IPDES and watershed pollutant load management plans. Should you have questions concerning these comments, please feel free to contact me.

Sincerely,



Johanna Bell, Policy Analyst

cc: Kelley Packer, AIC Executive Director
Tom Jenkins, AIC President
Elaine Clegg, AIC Environment Committee Chair
AIC Municipal Water Users
AIC IPDES Task Force