

Written comment deadline for this draft – January 15, 2021

**Water Quality Standards
 IDAPA 58.01.02**

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

01. Criteria for Toxic Substances. The criteria of Section 210 apply to surface waters of the state as provided in Tables 1 and 2. (3-28-18)

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b. Table 2 contains criteria set for protection of human health. The Water & Fish criteria apply to waters designated for domestic water supply use. The Fish Only criteria apply to waters designated for primary or secondary contact recreation use. (3-28-18)

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Inorganic Compounds/Metals						
Antimony	7440360		5.2	b	190	b
Arsenic ¹	7440382	Y	10	cdj	10	cdj
<p>Note: In 2008, Idaho adopted 10 µg/L as its CWA arsenic criterion for both exposure through fish consumption only and exposure through drinking water+fish consumption, choosing the SDWA MCL due to concerns about background levels that exceed EPA’s 304(a) criteria (docket 58-0102-0801). EPA approved this action in 2010. In June 2015, Northwest Environmental Advocates challenged EPA’s 2010 approval. Court remanded action back to EPA. On September 15, 2016, EPA disapproved Idaho’s adoption of 10 µg/L. Neither EPA nor the state of Idaho has promulgated replacement criteria. For more information, go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</p>						
<p>¹Effective for CWA purposes. Water & Fish value, Water & Fish footnote j, Fish Only value and Fish Only footnotes d and j continue to be effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1801 have been approved. See Arsenic² immediately below.</p>						

Arsenic ²	7440382	Y	40	cdjk	408µg/kg	cdjl
<p><u>Note: In 2008, Idaho adopted 10 µg/L as its CWA arsenic criterion for both exposure through fish consumption only and exposure through drinking water + fish consumption, choosing the SDWA MCL due to concerns about background levels that exceed EPA's 304(a) criteria (docket 58-0102-0801). EPA approved this action in 2010. In June 2015, Northwest Environmental Advocates challenged EPA's 2010 approval. Court remanded action back to EPA. On September 15, 2016, EPA disapproved Idaho's adoption of 10 µg/L. Neither EPA nor the state of Idaho has promulgated replacement criteria. For more information, go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</u></p>						
<p>²<u>Not yet effective for CWA purposes. Water & Fish footnote k, Fish Only value, and Fish Only footnote I are not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1801 have been approved.</u></p>						

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Footnotes for Table 2. Criteria for Protection of Human Health

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c. Inorganic forms only.

d. Criterion expressed as total recoverable (unfiltered) concentrations.

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j. This criterion is based on the drinking water Maximum ~~Containment~~ Contaminant Level (MCL).

k. Human health criteria for Water & Fish exposure to inorganic arsenic are attained if fish tissue concentrations comply with the Fish Only criterion and water column concentrations meet the maximum contaminant level for inorganic arsenic provided in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

l. For Fish Only exposure to inorganic arsenic, the human health criterion is:
Fish muscle (fillet) tissue: 8 µg/kg on a wet-weight basis, based on an average or composite of a minimum of five (5) individual fish of the same species, where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual.

Footnotes k and l are not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1801 have been approved.

(3-28-18)

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05. Development of Toxic Substance Criteria. (4-5-00)

a. Aquatic Life Communities Criteria. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (4-5-00)

i. Site-specific criteria developed pursuant to Section 275; (4-5-00)

ii. Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (4-5-00)

iii. The most recent recommended criteria defined in EPA's ECOTOX database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (3-25-16)

iv. Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (4-5-00)

b. Human Health Criteria. (4-5-00)

i. When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department using best available science on toxicity thresholds (i.e. reference dose or cancer slope factor), such as defined in EPA's Integrated Risk Information System (IRIS) or other peer-reviewed source acceptable to the Department. (3-25-16)

ii. When using toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of 10^{-5} for carcinogens shall be utilized. (3-25-16)

Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1801 have been approved.

ii. When using toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of 10^{-5} for carcinogens shall be utilized for any compound not listed in Subsection 210.05.b.iii. (3-25-16)

Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1801 have been approved.

iii. Subsection 210.05.b.ii. does not apply to water quality criteria for arsenic.

Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1801 have been approved.