



IDAHO  
CONSERVATION  
LEAGUE

208.345.6933 • PO Box 844, Boise, ID 83702 • [www.idahoconservation.org](http://www.idahoconservation.org)

September 17, 2021

Paula Wilson  
Administrative Rules Coordinator  
DEQ State Office  
1410 N. Hilton  
Boise, ID 83706

Jason Pappani  
Water Quality Standards Lead  
DEQ State Office  
1410 N. Hilton  
Boise, ID 83706

Submitted via email: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov) and [jason.pappani@deq.idaho.gov](mailto:jason.pappani@deq.idaho.gov)

RE: Water Quality: Docket No. 58-0102-1801 – Update to Human Health Criteria for Arsenic

Dear Ms. Wilson and Mr. Pappani,

Thank you for the opportunity to comment on the draft of Docket No. 58-0102-1801 - Negotiated Rulemaking on updating the human health criteria (HHC) for Arsenic.

Since 1973, the Idaho Conservation League has had a history of involvement with water quality issues. As Idaho's largest state-based conservation organization, we represent over 30,000 supporters who have a deep personal interest in ensuring that our water quality is protected throughout the state.

We thank you for the opportunity to submit comments. We look forward to continuing to work with the Department of Environmental Quality on this project and others in the future. Please feel free to contact us if you have any questions or require additional information.

Sincerely,

Ellie Hudson-Heck, Conservation Assistant  
Idaho Conservation League  
[ehudsonheck@idahoconservation.org](mailto:ehudsonheck@idahoconservation.org)  
208.345.6933, ext. 402

RE:Water Quality: Docket No. 58-0102-1801 – Update to Human Health Criteria for Arsenic

## General Comments

The development of accurate water quality criteria should, at a fundamental level, be based on accurate science and result in criteria that are protective of beneficial uses. ICL still believes that more science is needed to further our understanding of arsenic biochemistry. However, ICL appreciates the Department of Environmental Quality's (IDEQ) sincere effort in working towards a scientifically defensible, protective, human health criteria for arsenic.

With this being a novel approach to deriving human health criteria, it is important to ensure that the fish tissue sampling and data collection processes are rigorous enough to validate the ability for the fish tissue measurement to supersede the water column value. ICL requests that IDEQ develop a detailed implementation plan and procedure that outlines the exact guidelines permittees and dischargers are required to follow. This plan should be developed prior to the rule being published in the Administrative Bulletin and include an opportunity for public comment.

In addition, ICL would like to reiterate the Environmental Protection Agency's (EPA) comment during the previous rulemaking and request that IDEQ consider including the implementation guidance within the official rule language. As an example, the third discussion paper, provided by IDEQ, provides some guidance of the development of arsenic effluent limits in IPDES permits. As this process will rely on the accurate collection of both fish tissue and water samples, ICL suggests that amendment 1 of the draft rule be revised to include language requiring the collection of paired fish tissue and water samples. Paired samples should be collected at the same date, time, and location within the waterbody to ensure an accurate bioaccumulation factor can be determined.