



Association of Idaho Cities
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November 22, 2021

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 – 11/04/2021
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 appreciates the presentation and preliminary draft rule by IDEQ staff at the November 4, 2021, stakeholder meeting. AIC has reviewed the proposed approach to the criteria and wishes to express our general support. However, as was brought up during the recent stakeholder meeting, AIC remains concerned about how the implementation policies and practices adopted by Idaho may establish permit requirements that far exceed the remedies needed to fully support the recreational and drinking water uses of the receiving water body.

The proposed fish tissue criteria to meet recreational (i.e., fish consumption) beneficial uses defaults to a water column criterion of 4.3 µg/L when insufficient fish tissue data are available. We wish to emphasize that fish of the appropriate size, species, and trophic levels may not be abundant or even present in all water body segments our members discharge into. Therefore, it is conceivable that there will be situations where the water column concentrations of the tributary may be greater than 4.3 µg/L, but the fish residing in downstream water bodies comply with the fish tissue concentration requirements.

This is one example of how a water quality-based effluent limit for the tributary discharger may not be necessary, and yet might be applied without careful policy development. We believe there are likely other implementation issues that would benefit from more

discussion, and look forward to working through this and other implementation challenges associated with the proposed arsenic criteria update.

Should you have questions concerning these comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bell', written in a cursive style.

Johanna Bell, Policy Analyst

cc: Kelley Packer, AIC Executive Director
Mayor Kevin England, AIC President
AIC IPDES Task Force