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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, Ph.D.  
Idaho Conservation League  
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RE:Water Quality: Docket No. 58-0102-1801 – Update to Human Health Criteria for Arsenic

**Subsection 210.03.e.**

ICL continues to be supportive of the Department of Environmental Quality's (IDEQ) sincere effort in working towards a scientifically defensible, protective, human health criteria for arsenic. However, with this being a somewhat novel approach to implementing human health criteria, ICL requests that section 210.03.e. of the draft rule be revised to include language requiring the collection of paired fish tissue and water samples.

The current draft rule language includes specific regulations regarding the collection of fish tissue samples (e.g., subsection ii) but does not include any requirements regarding the collection of paired water samples. In order to accurately translate a fish tissue concentration to a water column value for implementation purposes (e.g., deriving permit effluent limits) it is important that fish tissue and water concentrations are collected at the same date, time, and location within the waterbody. ICL requests that IDEQ modify the current rule language to make it clear that if fish tissue samples are being collected, they need to be accompanied with a paired water sample. This will minimize confusion for the regulatory community and ensure an accurate bioaccumulation factor can be determined, if applicable.