



PUBLIC WORKS DEPARTMENT

MAYOR: Lauren McLean | DIRECTOR: Stephan Burgos

Scott Short
Idaho Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Comments submitted electronically: Scott.Short@deq.idaho.gov

Subject: Review Comments for Groundwater Quality Rule – Docket No. 58-0111-2501

Dear Mr. Short,

The City of Boise (city) appreciates the opportunity to participate in the ZBR IDAPA 58.01.11 Groundwater Quality Rule (GWQR) negotiated rulemaking meeting on March 14th and to provide comments on the proposed draft changes.

The city values the Idaho Department of Environmental Quality's (IDEQ) efforts to update the GWQR and engage stakeholders in the rulemaking process. Additionally, the city appreciates IDEQ's efforts to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use-per the objective of EO 2020-01.

1. The city recommends the reference to IDEQ's Statistical Guidance in 58-01.11.003 be edited to allow IDEQ to make updates to the guidance and provide consistency with other recent ZBR rule updates:

“Statistical Guidance for Determining Background Ground Water Quality and Degradation. *This document, and subsequent revisions, describe procedures for establishing background groundwater quality and evaluating statistical degradation. Review this document at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706, or online at <http://www.deq.idaho.gov/guidance-documents>.*

2. The city recommends the following edits to 58-01.11.007.13 to increase clarity regarding IDEQ's definition and interpretation of “degradation”:

“The lowering of groundwater quality and injury of beneficial use as measured in a statistically significant and reproducible manner.”

3. Inconsistent terminology appears to be used throughout the GWQR when referring to the degradation of beneficial uses (e.g., injury, impairment, impact, threat, etc.). The city recommends using consistent terminology throughout the GWQR when referring to degradation of beneficial uses by utilizing the terms “injury” or “injure-” to increase clarity. This is intended to be consistent with the language currently used within the GWQR. For example, 58-01.11.400.01.b uses **“Injures** a beneficial use of groundwater” to describe

instances where releases degrade groundwater quality. Furthermore, 58-01.11.401.03 and 58-01.11.401.08.b employ the phrase "there is no **injury** to current or projected future beneficial uses of groundwater."

4. Constituents without primary or secondary standards do not seem to be included within the scope (58-01.11.001) or implementation (58-01.11.150) of the GWQR. The city acknowledges that IDEQ has the authority to establish applicable permit conditions including monitoring for constituents without established standards on a case-by-case basis. Therefore, the city recommends that permit conditions related to constituents without standards should be addressed through applicable permitting guidance and negotiated with IDEQ as needed on a case-by-case basis.

5. There appear to be instances where GWQR Primary Constituent Standards listed in 58-01.11.200.01.a. Table II are stricter than EPA's National Primary Drinking Water Regulation's Maximum Contaminant Levels (MCLs). For instance, the GWQR Primary Constituent Standard for chloroform is 0.002 mg/L, which is significantly lower than the total trihalomethanes MCL of 0.080 mg/L and the chloroform Maximum Contaminant Level Goal (MCLG) of 0.07 mg/L. During the March 14th rulemaking meeting, IDEQ indicated GWQR standards could not be stricter than MCLs. The city recommends IDEQ update GWQR Primary Constituent Standards that are stricter than MCLs or provide justification for GWQR Primary Constituent Standards that are stricter than MCLs to provide clarity and potentially reduce overall regulatory burden.

6. The city recommends the following edits to 58-01.11.200.02.a to provide clarity on the applicability of the narrative groundwater quality standard:

Best scientific information currently available on human health risk of the contaminant(s);

7. Groundwater modeling is commonly used for evaluating potential groundwater quality impacts. The city recommends the GWQR recognizes the use of models to assess hydrogeological and water quality conditions when evaluating the potential degradation of groundwater quality from proposed activities. This would provide clarity about IDEQ's perspective surrounding the use of groundwater models. The following addition is proposed to 58-01.11.301.02:

General Resource Category Aquifers.

a. Activities with the potential to degrade General Resource aquifers must be managed in a manner which maintains or improves existing groundwater quality through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401.



b. *Numerical and narrative standards identified in Section 200 apply to aquifers or portions of aquifers categorized as General Resource.*

c. *The evaluation of proposed activities with the potential to degrade General Resource aquifers may include modeling hydrogeological and water quality conditions for existing or potential future degrading activities.*

Additionally, the city recommends IDEQ collaborate with stakeholders to develop a guidance document that outlines and clarifies recommendations and expectations for groundwater modeling procedures.

8. The city recommends IDEQ collaborate with stakeholders to develop guidance for evaluating the significance of degradation (i.e., regulatory significance) as stated in IDEQ's Statistical Guidance (IDEQ 2014) to provide clarity and consistency surrounding IDEQ's methods for determining regulatory significance (58-58-01.11.400.02.b) and allowable limited degradation (58-01.11.400.02.a.iii).

9. The city recommends the following edits to 58-01.11.400.02.b to provide clarity and align terminology with IDEQ's Statistical Guidance (IDEQ 2014):

The following criteria will be considered when determining the regulatory significance of degradation:

- i. Site specific hydrogeologic conditions;*
- ii. Water quality, including seasonal variations;*
- iii. Existing and projected future beneficial uses;*
- iv. Related human health risks; and*
- v. Whether the degradation involves a primary or secondary constituent in Section 200."*

10. The city recommends moving rules from Section 600 of the IDAPA 58.01.16 (Wastewater Rules) applicable to the land application of recharge waters into the GWQR to streamline the rule sets and clarify that recharge waters are not regulated as wastewater or recycled water. Rules listed in Section 600 of IDAPA 58.01.16 applicable to the land application of wastewater were previously added to IDAPA 58.01.17 (Recycled Water Rules) by IDEQ to provide clarity and streamline rule sets.

Thank you again for the opportunity to provide comment on the draft GWQR. We hope the comments are helpful in providing additional clarity for rule interpretation and streamlining the rule set. Please feel free to contact me for further clarification or questions related to these comments.

Sincerely,

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