



**Association of Idaho Cities**  
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July 31, 2019

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 - 7/23/19  
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 is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Council President Pro Tem Elaine Clegg and our Municipal Water Users Group, chaired by Jerome City Council President Bob Culver.

AIC requests that DEQ management and staff carefully review stakeholder comments that have been previously submitted, including those submitted by Simplot on July 16, 2019 and AIC's comments submitted August, 2018.

**Comment #1: High Background Arsenic Concentrations in Idaho**

AIC respectfully re-states our position that the development and promulgation of criteria that are below non-anthropogenic loads places an unreasonable burden upon Idaho stakeholders and agencies. AIC appreciates the efforts DEQ staff have taken to develop a sound monitoring plan and requests that the DEQ continue to work with our AIC members to identify watersheds and water bodies where additional data are needed to identify assess contributions from groundwater, drinking water, or other background sources of arsenic.

**Comment #2: Monitoring Plan and Arsenic Source Review**

Regarding the paired (i.e., fish + water) and water-only monitoring plan, AIC recommends that the DEQ taking into consideration some of the suggestions stated during the July 23, 2019 meeting (e.g., depth integrated or transect composite

sampling). AIC further suggests the DEQ staff reach out to the USGS, USDA Forest Service Rocky Mountain Research Station, and other research organizations for data that will help us all better understand the potential for groundwater influences within each of the watersheds and water segments monitored, along with their relative potential arsenic concentrations (i.e., to determine the arsenic contributions from these sources).

AIC also suggests that an additional review of potential and site-specific municipal and industrial sources of arsenic (e.g., dietary, drinking water, airborne, soils, etc.) may be helpful in determining whether arsenic source control programs may be one of the various compliance options available. We suggest an initial literature review, followed by some targeted source monitoring. AIC may be interested in supporting these efforts and welcomes any additional input or suggestions from DEQ staff to address this or other data needs.

### **Comment #3: Laboratory Methods – Fish Tissue Inorganic Arsenic Detection Levels**

As was discussed during the July 23, 2019 meeting, and also addressed in the Simplot comments submitted on July 16<sup>th</sup>, the laboratory minimum reporting level is an extremely important issue in the development of the Idaho Arsenic criteria. AIC's position is that the DEQ should not simply use the current 40 CFR 136 Arsenic method, as this method is for NPDES permit monitoring purposes, and not for criteria development. Instead, AIC would like the DEQ to work with Simplot, AIC, and others in seeking a non-proprietary laboratory method with an ML that can approach 0.001 mg/kg for the inorganic arsenic fish tissue concentrations.

### **Comment #4: Bioaccumulation Factors (BAF) for Arsenic – Determining the Relationship between Surface water and Fish Tissue Concentrations**

AIC appreciates the contributions from EPA, Arcadis, and DEQ staff on the difficulties in determining the relationship between total arsenic in water and inorganic arsenic in fish tissue (i.e., given that the fish tissue concentration data are below the applied laboratory method's minimum reporting limit). AIC supports the suggestions of using the slopes of the regression equations as an option to represent the BAF as a "fallback" option for data sets that may include a high number of non-detects.

AIC appreciates the opportunity to comment on the development of the update to Idaho's human health criteria for arsenic and looks forward to working with our state and other partners in the development of this important water quality standards. Should you have questions concerning our attached comments, please feel free to contact me.

Sincerely,



Johanna Bell, Policy Analyst

cc: Elaine Clegg, AIC Environment Committee Chair  
Bob Culver, AIC Municipal Water Users Group Chair  
Tom Dupuis, AIC Environmental Consultant