



Association of Idaho Cities
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August 3, 2018

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 - 6/27/18
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 a significant interest 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 our previously submitted comments, as these have not changed during the ensuing stakeholder meetings and conversations.

AIC respectfully submits that the development and promulgation of criteria that is below non-anthropogenic loads places an unreasonable burden upon Idaho stakeholders and agencies. AIC asserts that this burden is avoidable with respect to the development of the Arsenic criteria and urges DEQ to work with AIC and our fellow stakeholders to seek the resources necessary to design and implement a monitoring program that will collect quality data. AIC supports using the court-approved deadline extension for the development and implementation of a monitoring program that will identify the non-anthropogenic Arsenic loads within Idaho waterways such that the resulting site-specific Arsenic criteria are legally and technically defensible.

With respect to the development of variances, AIC understands that variances may serve an important role in assisting Idaho stakeholders and agencies comply with Clean Water Act requirements. However, as stated above, AIC does not support the use of variances in situations where the criteria promulgated is below non-anthropogenic loading. Instead, the criteria should be revised to reflect site-specific, non-anthropogenic loads.

When considering variances for Idaho in other situations, AIC encourages the DEQ Water Quality Board to consider the following actions:

- Adopt rules consistent with comparable federal rules and guidelines for the department to issue permit variances if:
 - the condition is a result of anthropogenic loads and cannot reasonably be expected to be remediated during the permit term for which the application for variance has been received; or
 - the discharge to which the variance applies would not materially contribute to the non-anthropogenic condition.
- Establish variance review schedules and procedures that may exceed 5 years¹ for pollutant-specific (parameter-by-parameter) in addition to discharger-specific.
- Enable statewide or basin-wide variance(s) to be applied to multiple permittees.

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,



Jess Harrison, Executive Director

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

¹ As provided for in the 2015 final rule update to the federal water quality standards regulation. <https://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation#final>, accessed 7/26/2018