



Association of Idaho Cities
3100 South Vista, Suite 201, Boise, Idaho 83705
Telephone (208) 344-8594
Fax (208) 344-8677
www.idahocities.org

June 8, 2018

Ms. Paula Wilson, Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N Hilton
Boise, ID 83706

Re: Docket No. 58-0102-1802 Revision of Recreational Use and Criteria; Adoption of Aquatic Life Criteria for Three Toxics per 5/31/18 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 play important roles as primary implementers of the Clean Water Act, representing 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.

The Idaho Department of Environmental Quality (IDEQ) is proposing to revise recreational use and criteria; and adopt aquatic life criteria for three toxics: acrolein, carbaryl, and diazinon. The Association respectfully provides the following comments on the proposed revisions to recreational use and criteria:

- AIC requests that at least one additional stakeholder rule-making meeting be held. At the May 31st meeting IDEQ indicated that a follow up meeting would be held “if needed.” AIC believes that meeting will be essential to further discuss and receive input on the comments and issues in the items below.
- Neither at the May 31st meeting, nor in the materials posted on the rule-making website, were there any data provided regarding levels of enterococci found in Idaho surface waters, or comparisons of such data to E. coli levels. It is not possible for stakeholders to understand potential implications of new numeric criteria in the total absence of actual data. AIC requests that IDEQ provide any data that it may have on enterococci levels prior to the next meeting, and if none exist, then include an explicit agenda item to discuss if or how monitoring should be a part of this rule-making effort. DEQ should also provide a list of laboratories that are certified for enterococci analysis.
- Rather than using “either E. coli **OR** enterococci” data to demonstrate protection of recreational use, we request that enterococci be used solely when both indicators are valid and available. That is, in situations where HIGH E. coli values demonstrate that the recreational uses **MAY** not

be protected, and yet LOW enterococci values demonstrate compliance with the recreational criteria, we urge the Department to assert that the recreational uses are adequately protected.

- Concerning the adoption of “statistical threshold values” (STV), we perceive that this is a significant change from the existing use of “single sample maximum” (SSM) and are concerned that recreational use support will not be accurately assessed through its use. That is, the exceedance of an STV alone should not be considered a criterion violation, and instead be considered “trigger values” that initiate additional sampling. Further, we do not support the use of “a greater than 10% frequency of exceedance of the STV in a 30-day period” as a violation, even if the geometric mean criterion wasn’t violated over the same period unless the Department’s assessment also takes into account the total number of samples collected during the assessment period. After all, these data are often collected weekly in order to obtain a total of 5 samples within a 30-day period. The application of a 10% threshold would mean that only one of the 5 samples would need to be greater than the STV for a criteria violation. Given the variability of these indicators, we believe that in these situations additional data would be required in order to provide an accurate assessment.
- AIC does not support the Department’s proposal to use the STV as the basis of water quality based effluent limits (WQBEL) and for TMDL targets for non-continuous or episodic discharges. Non-continuous or episodic discharges can occur at any time; however, when these occur during high runoff and wet weather events we urge to Department to apply common sense and acknowledge that recreational uses do not generally occur at these times. Instead, we suggest the development of appropriate “wet weather” criteria for the protection of human and aquatic health during extreme events.
- AIC requests further discussion on the collapsing of the PCR and SCR subcategories into a single REC use designation. There are number of manmade waterways, canals, drains and ditches in Idaho that are intended for use only as irrigation water conveyance and are not safe for a swimmable use. Further discussion is needed regarding public perceptions of acceptable uses based on IDEQ recreation designations if they would apply to any such irrigation conveyances.

AIC appreciates the opportunity to comment on the revision of recreational use designations and criteria and looks forward to working with our state and other partners in these efforts. We do not have any comments regarding the aquatic life criteria for the identified three toxics. 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