

CITY OF
Caldwell, Idaho

November 14, 2018

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Mayor

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Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Dear Idaho DEQ Administration:

We thank you for the opportunity to comment on Idaho Negotiated Rulemaking Docket No. 58-0102-1802.

Item 1:

Because there is no difference in the geometric mean bacteria criteria or the toxics criteria applicable to primary and secondary contact recreation uses or to public swimming beaches, there appears to be no value in maintaining a distinction between primary and secondary contact recreation.

The City of Caldwell respectfully disagrees with this conclusion. We urge DEQ to maintain and propagate the distinction between primary and secondary contact recreation. By combining both water recreation classes, DEQ imposes additional standards to waters that *should* otherwise be classified as secondary contact recreation, or of quality sufficient for "fishing, boating, wading, infrequent swimming, and other activities where ingestion of raw water is not likely to occur." Such water bodies should not be subject to the same regulatory standard as primary contact recreation locations. DEQ must consider that, in most cases, secondary contact recreation waters are not of lesser quality due to the negligent addition of pollutants. Consider the actual source of those pollutants on a case by case basis, if necessary.

Because our community is greatly centered on Indian Creek, we would like to echo some of the sentiments provided by the City of Nampa and IWUA. Indian Creek, is majorly composed of aqua cultural wastewater, agricultural wastewater, and groundwater. Though it bears the title "Creek," the water supply is hardly of a natural source appropriate for primary contact recreation, nor does it resemble the water quality

"The Treasure of the Valley"

demands associated with such a designation. The same concept applies to other large agricultural runoff conveyances which are accommodated by City parks and infrastructure, but do not carry water appropriate for recreation. We cannot support a combined "recreation" designation to all primary and secondary recreation use waters within the State.

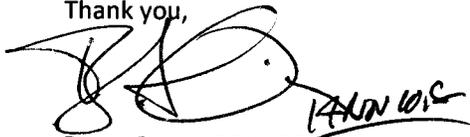
Item 2:

DEQ will also consider the adoption of statistical threshold values (STV) as criteria. The STV is a concentration that is not to be exceeded more frequently than 10% of valid samples collected in a 30-day period. The STV can be used as the basis of water quality based effluent limits (WQBEL) and for TMDL targets for non-continuous or episodic discharges.

The proposed rulemaking imposes excessive sampling requirements to overcome *both* of the Geometric Mean Criterion and the Statistical Threshold Value indication methods. In a thirty day period, the Geometric Mean Criterion would require a minimum of 5 samples. In the thirty day period, the Statistical Threshold Value requires a minimum of 10 samples to quantify sufficient and valid data to a ten percent precision. One positive sample due improper technique (sampler skin contact) or a wet weather event may impose additional sampling, which would otherwise be unnecessary during times when the water body is not likely to be utilized for primary or secondary contact recreation.

In addition, the City would not support a proposal to use the STV as the basis of water quality based effluent limits (WQBEL) and for total maximum daily load (TMDL) targets for non-continuous or episodic discharges such as stormwater and irrigation water conveyances.

Thank you,

A handwritten signature in black ink, appearing to read "Brent Orton", is written over the typed name. The signature is stylized and includes a large loop.

Brent Orton, PE, MSCE
Public Works Director
City of Caldwell