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Federal Water Quality Coalition

November 6, 2015

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255

RE: Docket No. 58-0102-1201 – Proposed Rulemaking

Dear Ms. Wilson:

The Federal Water Quality Coalition (“FWQC”) appreciates the opportunity to file comments with Idaho Department of Environmental Quality (“IDEQ”) regarding the development of human health water quality criteria based on fish consumption.

The FWQC is a group of industrial companies, municipal entities, agricultural parties, and trade associations that are directly affected, or which have members that are directly affected, by regulatory decisions made by the EPA and States under the federal Clean Water Act. The FWQC membership includes entities in the aluminum, agricultural, automobile, chemical, coke and coal chemicals, electric utility, home building, iron and steel, mining, municipal, paper, petroleum, pharmaceutical, rubber, and other sectors.

FWQC member entities or their members own and operate facilities located in Idaho and elsewhere around the country. Those facilities operate pursuant to permits that impose control requirements with respect to wastewater discharges. Many of those permits include effluent limits based on water quality criteria developed for the protection of human health. The criteria being developed by IDEQ, and the possible actions of EPA regarding those criteria, may serve as a precedent for how human health criteria issues are addressed in permits for FWQC members in Idaho and in other States. The FWQC therefore has a direct interest in the criteria that are being developed by IDEQ.

The FWQC strongly supports several of the key decisions made by IDEQ in developing the new criteria. In particular, we support IDEQ’s decisions to do each of the following: (1) use Probabilistic Risk Assessment (PRA); (2) exclude “largely marine” species from its calculations; and (3) for the higher-consuming populations, utilize a mean fish consumption rate. We are concerned, however, about several other critical aspects of the IDEQ methodology. First, IDEQ has taken the fish consumption rate for one higher-consuming population – the Nez Perce Tribe – and applied that rate to develop state-wide standards. For fish-only criteria, that Tribe’s rate drives all of the derived levels, since it is substantially above both the general population exposure



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level and the exposure levels for other high-consuming populations. We believe that using this higher fish consumption rate for a particular population to derive state-wide criteria is not appropriate. We are also concerned with IDEQ's choice to apply an incremental cancer risk level of 10^{-6} in deriving its criteria. While we recognize that under Federal guidance, the State has the discretion to make that choice, we note that under that guidance, IDEQ could also use a risk level of 10^{-5} . We see no basis for applying 10^{-6} instead of 10^{-5} , when there is no significant difference in risk posed to the public, and the difference in compliance costs to regulated parties – and to the public that must eventually bear those costs - could be very significant. Finally, we encourage IDEQ to use the best available science for determining Relative Source Contribution (RSC) values, rather than simply relying on EPA's recommended values.

The FWQC appreciates the opportunity to submit these comments concerning the development of water quality standards for the protection of human health in Idaho. Please feel free to call or e-mail if you have any questions, or if you would like any additional information concerning the issues raised in these comments.

Fredric P. Andes
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