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Submitted via email: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov) and [jason.pappani@deq.idaho.gov](mailto:jason.pappani@deq.idaho.gov)

**RE: Water Quality: Docket No. 58-0102-1802 – Revision of Recreational Use and Criteria and Adoption of Aquatic Life Criteria for Three Toxics**

Dear Ms. Wilson and Mr. Pappani,

Thank you for the opportunity to comment on the second draft of Docket No. 58-0102-1801 - Negotiated Rulemaking on revising recreational use and criteria and adoption of aquatic life criteria for three toxics.

Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 30,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality and public health.

Our detailed comments follow this letter. Please do not hesitate to contact me at 208-345-6933 ext. 23 or [ahopkins@idahoconservation.org](mailto:ahopkins@idahoconservation.org) if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,

Austin Hopkins  
Conservation Associate

## **Inclusion of Fish Consumption and Toxic Criteria**

DEQ's draft rule changes include explicit language stating that fish consumption criteria (IDAPA 58.01.02.100.02), toxics criteria and fecal indicators (IDAPA 58.01.02.251.01-02) are applicable water quality criteria for recreation use designations. We agree with these additions as we feel it adds clarity to the rules regarding where these water quality criteria are applicable.

## **Independent Applicability of E. Coli and Enterococci**

Either E. coli or enterococci can be used as indicator organisms for fecal contamination when assessing compliance with water quality criteria. We don't disagree with providing this flexibility, but we recognize that this choice presents a few ambiguities that may need to be clarified in rule.

First, in the event that someone samples for both E. coli and enterococci, and only one violates water quality criteria, DEQ should explicitly state in rule that it will determine compliance with water quality criteria based upon the highest recorded concentration from either sample.

Second, we are curious as to what DEQ will list as the "cause of impairment" for waterbodies that are impaired for either of these pollutants. Would DEQ use "fecal contamination" as the cause of impairment? Given that E. coli and enterococci and both independently applicable, we feel it's prudent to provide clarity in the rules on this matter.