



Mayor Tammy de Weerd

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Anne Little Roberts

June 7, 2018

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

Subject: Docket 58-0102-1802

Dear Ms. Wilson,

Please accept this letter as public comment to the negotiated rulemaking docket 58-0102-1802.

Idaho DEQ (DEQ) is proposing changes to the State's Primary Contact Recreation (PCR) and Secondary Contact Recreation (SCR) designation definitions. It appears that DEQ is consolidating the two definitions into a single, all-encompassing definition called "Recreation (REC)". Use designations have significant impacts on municipalities discharging into waterbodies. Use designations should be as stringent as necessary to protect the public and the environment, but no more stringent than required to be protective of the actual uses that occur on and within that waterbody.

Comment#1:

By combining the PCR and SCR definitions and including human water and fish consumption in the new REC definition, the definition is now more protective than necessary for waterbodies that previous fell under the SCR designation. SCR waterbodies are currently designated for uses where the "ingestion of raw water is not likely to occur". The proposed combined definition now classifies these waterways as having possible ingestion and fish consumption. Changes to beneficial use designations need to be based on actual uses, not just grouped under broad, assumption based definitions.

Applying a use that includes possible human consumption to a waterbody where that use does not occur has the potential to cost stakeholders significant capital to install additional treatment technologies to meet the more stringent requirements of that new designated use. DEQ has stated that there currently is no difference in the requirements (bacteria and human health toxic criteria) under PCR and SCR. While the current implications of this definition change may not be significant, DEQ should consider the possible future implications of listing all waterbodies in the state for possible human consumption use.

The City recommends leaving the definitions separate and continuing to track and regulate each waterbody based on the most appropriate actual use.

Comment #2:

The proposed listing level for carbaryl causes concern. Although DEQ has stated that the CWA prohibits the consideration of feasibility when setting limits, DEQ should be aware of the constraints around analyzing this compound at the proposed detection levels.

The City requested method and quantification level information from several regional and national laboratories. Since this testing would be required for CWA purposes, approved methods are required. In this case, method 625.1 would be required. While some of these labs offer method 625.1, they do not test carbaryl by that method. This would typically come from a lack of confidence in that method to accurately and consistently quantify the specific target analyte, and/or the availability of an easier, more reliable, or more accurate method – in this case 531.1 or 531.2.

If carbaryl is included at the listed quantification level of 2.1 ug/L, DEQ should also identify appropriate laboratories that can meet this detection level by CWA approved methods before including this in permits as either monitoring or as a limit.

Please contact me if you have any questions, or would like to discuss these items further.

Sincerely,



Laurelei McVey
Deputy Director of Operations, Public Works

Cc: Dale Bolthouse, Director of Public Works, City of Meridian