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OFFICE OF  
WATER AND  
WATERSHEDS

June 5, 2018

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

RE: The EPA's Comments on Idaho's Negotiated Rulemaking Draft #2 - Water Quality Standards/  
Recreational Use, Docket No. 58-0102-1802

Dear Jason:

Thank you for the opportunity to provide comments to the Idaho Department of Environmental Quality (DEQ) negotiated rule draft #2 to combine primary and secondary recreation use subcategories into a single recreation use category and adopt EPA's current §304(a) recommended criteria for bacteria. The EPA appreciates DEQ's follow-up on the recent 2017 Triennial Review of the Idaho Water Quality Standards and your efforts to comply with the federal recommended criteria at 40 CFR 131.20. The proposed revisions are an important component in providing public health protection where surface waters are used for recreation.

The EPA has reviewed DEQ's preliminary rule draft #2 and offers the following comments for your consideration.

**Single Recreation Use**

The EPA understands DEQ's proposal to collapse primary and secondary recreation use subcategories into a single recreation use category is intended to reduce confusion and simplify future monitoring and assessment. The EPA supports revisions to IDAPA 58.01.08.100.02, 58.01.08.101.01, 58.01.08.109, 58.01.08.110, 58.01.08.210.01, and 58.01.08.251 to revise language from primary and secondary recreation use subcategories to a single contact recreation use category to meet these objectives.

**Enterococci Criteria Inclusion**

DEQ proposes to add enterococci criteria pursuant to EPA's 2012 §304(a) recommendation. Enterococci are good predictors of gastrointestinal illnesses in marine and fresh recreational waters and the inclusion of these criteria improves public health protection. It is EPA's understanding, based on discussions during the May 31, 2018 negotiated rulemaking meeting, that DEQ intends to implement the *E. coli* and enterococci criteria as independently applicable. The EPA interprets the addition of "or" in IDAPA 58.01.08.251.02.a.ii. as further clarification of DEQ's intent to independently apply the *E. coli* and enterococci criteria. The EPA supports this intent and additional clarification.

**Geometric Mean and STV Criteria Implementation – Independently Applicable**

In IDAPA 58.01.08.251.02.a.i. and b.i., DEQ added "and" to the proposed rule language. EPA interprets the language in these rule provisions to mean that for each indicator there are two components: a geometric mean and a statistical threshold value (STV), and that each are independently applicable. Please clarify if DEQ has different intentions regarding this language.

**Geometric Mean and STV Criteria Implementation – Time Period**

In IDAPA 58.01.08.251.02.a.ii. and b.ii., DEQ’s revised criteria to protect recreation in fresh water specify:

a.ii. *“Statistical Threshold Value (STV). No greater than ten percent (10%) of valid samples collected over a thirty (30) day period are to contain E. coli bacteria in concentrations exceeding an STV of four hundred and ten (410) E. coli CFU per one hundred (100) ml.; or”*

b.ii. *“Statistical Threshold Value (STV). No greater than ten percent (10%) of valid samples collected over a thirty (30) day period are to contain enterococci bacteria in concentrations exceeding an STV of one hundred and thirty (130) enterococci CFU per one hundred (100) ml.; or”*

The EPA interprets the language in these rule provisions to mean that the ten percent exceedance frequency of the STV applies to the same 30-day period as the geometric mean. Please clarify if DEQ has different intentions regarding this language.

**Sample Size and Geometric Mean**

The language in the Geometric Mean Criterion for *E. coli* and enterococci states, *“based on a minimum of five (5) samples taken every three (3) to seven (7) days over a thirty (30) day period.”* The EPA recommends that DEQ not include data sufficiency clauses/statements addressing the sample number in its statement of criteria. Instead, the EPA recommends that Idaho include these statements in its assessment methodology for assessing compliance with the recreational criteria. If the language is retained in DEQ’s water quality standards, then the EPA plans not to take action on the language as it does not meet EPA’s test for what constitutes a new or revised water quality standard.

The EPA appreciates DEQ's commitment to update Idaho's water quality standards. The EPA continues to be available to assist you with developing the draft rule language. If you have any questions or would like to discuss these comments further, please contact me at (208) 378-5771.

Sincerely,



Cyndi Grafe  
Water Quality Standards Coordinator