

June 30, 2020

Submitted Via Email to michelle.dale@deq.idaho.gov

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

Re: Data and Information Needs Necessary for the State of Idaho to Consider Adoption of EPA 304(a) Aquatic Life Criteria for Mercury

Dear Ms. Dale:

Thank you for the opportunity to comment on the Idaho Department of Environmental Quality's (DEQ) Clean Water Act Section 303 water quality standards triennial review. As noted in the issue paper published by DEQ, and referenced in the public meeting, DEQ is considering the adoption of new or updated Clean Water Act §304(a) aquatic life criteria for mercury. Specifically, DEQ is requesting comments on whether to adopt aquatic life criteria, or to develop a strategy for demonstrating the human health criteria is protective of aquatic life through monitoring.

Idaho Power Company (IPC) is an investor-owned utility that serves approximately 570,000 customers in a service area covering southern Idaho and eastern Oregon that spans 24,000 square miles. As part of its obligations under the CWA section 401 certification issued by DEQ for the Hells Canyon Complex, Idaho Power is partnering with the United States Geological Survey in a ten-year study to examine the impacts of mercury at the Complex.

IPC recommends DEQ not pursue statewide aquatic life criteria based on aqueous mercury content. It is commonly understood and well documented that there is not a consistent correlation between mercury levels in the water column and mercury content in fish.¹ The cited references are 2 of many that are the result of research over the past 25 years. It is generally understood that site-specific factors play a substantial role in the relationship of mercury concentration in the water column and resulting levels in aquatic life. These factors include the biology of fish within a system (e.g. diet, age, length, growth rate, etc.) as well as the chemical characteristics of individual water bodies.² Because of the complexity and site-specific nature of the relationship

¹ See Ackerman, Joshua T., et. al. 2019 Wetland Management Strategy to Reduce Mercury in Water and Bioaccumulation in Fish, *Environmental Toxicology and Chemistry* Vol. 38, No. 10, 2178-2196

² See USEPA. 2009. *Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion*. EPA 823-R-09-002. U.S. Environmental Protection Agency, Office of Water, Washington DC.

between water column mercury and the concentrations of mercury in aquatic biota, it would be impractical for DEQ to develop scientifically defensible statewide aquatic life criteria.

Given the choice, as presented by DEQ, between whether to adopt aquatic life criteria, or to develop a strategy for demonstrating the human health criteria is protective of aquatic life through monitoring, IPC supports DEQ developing a statewide strategy for demonstrating that human health criteria are protective of aquatic life. While both would be problematic, developing a statewide strategy for demonstrating that human health criteria are protective of aquatic life would take advantage of existing DEQ guidance rather than developing new, highly speculative water column criteria. If DEQ decides to initiate a rulemaking based on this triennial review, IPC intends to participate in the rulemaking. Thank you again for the opportunity to provide these comments. If you have any questions about the content of this letter, please contact me at rmyers@idahopower.com or via telephone at (208)388-2358

Sincerely,

A handwritten signature in blue ink that reads "Ralph Myers".

Ralph Myers

ENVIRONMENTAL MANAGER

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