



Idahoans for Sensible Water Regulation

When Sound Science Meets Common Sense

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

Dear Ms. Wilson,

Idahoans for Sensible Water Regulation (ISWR) is a statewide coalition of industry, trade groups, business associations and individuals that strive to find a balance between regulation and a strong economy. It is with that goal in mind that ISWR offers the following comments to the proposed rules package that the Idaho Department of Environmental Quality (IDEQ) released on October 5, 2015.

ISWR supports IDEQ's policy decisions in the following three areas:

1. **Market Fish:** ISWR fully supports IDEQ's determination that the only market fish to have any rational connection to Idaho water quality would be the Rainbow Trout. The members of ISWR strongly feel that the inclusions of any market fish not found in Idaho's waters would yield a standard that would be difficult for municipalities and industries to meet and would have no impact on the toxics found in those fish.
2. **Anadromous Fish:** ISWR supports IDEQ's decision to exclude anadromous fish in setting the HHWQC standards. Anadromous fish present in Idaho's waters can potentially collect only a negligible amount of contaminants (if any) from their time in Idaho waters, so to include their consumption in a risk assessment associated with setting criteria for Idaho waters would be inaccurate, overly conservative and not consistent with the state's goal of using best available science in rule makings.
3. **Probabilistic Risk Assessment:** ISWR supports and commends IDEQ for choosing to utilize a probabilistic risk assessment approach in developing Idaho's Human Health Water Quality Criteria. By using the probabilistic approach, IDEQ is better able to develop defensible standards that more closely reflect the population and the Idaho state requirement that IDEQ use the "best available standards" in setting policy.

The members of ISWR do have problems with the policy decision by DEQ in the following area:

Risk Factor: The members of ISWR do have a strong concern with DEQ setting a risk standard at one in one million (10^{-6}). The state does have the discretion under the Federal Guidance to set a risk factor in the range of 10^{-4} to 10^{-6} . ISWR recommends a factor of 10^{-5} . There is no significant difference in protection of the public health by utilizing the less conservative standard, while there is significant difference in the cost of compliance by both industry and the tax paying public.

The Idaho Legislature has supported the idea that IDEQ should consider a range of risks in other environmental programs. See Idaho Code § 39-7210 (Idaho Land Remediation Act).

Idahoans for Sensible Water Regulation also endorse the technical comments submitted by the Idaho Association of Commerce and Industry.

Thank you for opportunity to submit these comments on behalf of Idahoans for Sensible Water Regulation. If you have any questions, I can be reached at the contact information listed below.

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