



Idaho Association of
Commerce & Industry
The Voice of Business in Idaho®

October 11, 2013

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

Dear Ms. Wilson:

The Idaho Department of Environmental Quality (the Department) is seeking comments on Draft No. 3, dated September 27, 2013, of changes to IDAPA 58.01.02.052 and 055: the water quality rules pertaining to antidegradation and water quality limited waters. The Idaho Association of Commerce & Industry (IACI) is the leading voice for business on environmental matters in Idaho and has been very active in the rulemaking, guidance development and legislative actions specifically associated with both of these topics.

IACI supports the changes in Draft No. 3. As stated in an earlier IACI comment letter, we are pleased that the Department determined not to adopt provisions of the Great Lakes Rule related to bio-accumulative toxins, as IACI does not believe that such an approach is defensible in Idaho. Draft No. 3 is consistent with EPA guidance on Tier II Antidegradation Reviews and Significance Thresholds.¹ In this guidance, EPA acknowledges the flexibility that states have in regards to this matter:

“EPA has afforded the states and tribes some discretion in determining what constitutes a significant lowering of water quality. EPA has accepted a range of approaches to defining a significance threshold over which a full antidegradation review is required.”

Draft No. 3 provides the state of Idaho the opportunity to evaluate each proposed change in water quality and make a technical determination of insignificance.

Finally, IACI is very interested in working with the Department for any needed revisions to the Idaho Antidegradation Implementation Procedures needed to implement these changes to the water quality rules.

We appreciate the opportunity to comment on this draft rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex LaBeau", written over a horizontal line.

Alex LaBeau
President

¹ EPA. 2005. Tier 2 Antidegradation Reviews and Significance Thresholds.