Association of Idaho Cities
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April 21, 2014

Paula Wilson
IDEQ State Office
Attorney General's Office
1410 N. Hilton
Boise, ID 83706

Re: Docket No. 58-0102-1201-Negotiated Rulemaking: Probabilistic Risk Assessment

Dear Ms. Wilson:

The Association of Idaho Cities (AIC) was founded in 1947 and is a nonpartisan, nonprofit corporation owned, organized, and operated by Idaho's city governments. The organization serves to advance the interests of the cities of Idaho through legislative advocacy, technical assistance, training and research. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Councilmember Elaine Clegg.

Idaho Cities, as the primary implementers of the Clean Water Act, have significant interest in the toxics criteria rulemaking initiated by the Idaho Department of Environmental Quality (IDEQ). Cities have and will continue to invest in treatment and other measures to improve surface and groundwater water quality throughout the state at levels to meet the fishable swimmable goals of the Act, including protection of human health.

AIC appreciates the rulemaking process the State has used in development of this important rule and the opportunity to participate and comment on the rulemaking process. The State recently requested comment concerning the potential use of Probabilistic Risk Assessment (PRA) methodology for toxics criteria derivation. AIC members have reviewed Issue Paper #3 and participated in the April 2, 2014 meeting, including presentations by IDEQ staff and Dr. Paul Anderson on PRA.

Based on AIC's understanding of the two available criteria determination methods, it is clear that the use of PRA methods in development of criteria is the superior method for a number of reasons. The most important being the additional level of certainty concerning the actual level of risk or protection for a wide range of the population, including groups with higher risk factors (e.g. lower body weight, higher fish consumption, higher water consumption).

PRA methods provide the state, stakeholders, public, and EPA a more accurate estimation of the actual overall risk from toxics by evaluating distributions for three of the six key variables used in derivation of the criteria. While this method is an improvement, it still retains multiple conservative assumptions for three other inputs used in criteria derivation, ensuring that significant safety factors will be included in the proposed criteria.

AIC agrees that use of PRA is a significant technical advance of the science for derivation of toxics criteria as identified in Issue Paper #3, and the presentations on April 2, 2014 by IDEQ staff and Dr. Paul Anderson.

AIC recommends that the state use PRA in derivation of human health criteria for toxics as it is the best available science and provides significantly better information to the state, stakeholders, public and EPA on the actual risk than the deterministic criteria development method.

Additionally, AIC reiterates its previous comment that implementation measures associated with the criteria that cannot be attained in Idaho waters due to natural background, human caused conditions (e.g. legacy and ongoing use of banned pesticides, PCBs, mercury…) or other factors is an equally important component of the rulemaking package as the criteria themselves.

AIC commends IDEQ for an open, inclusive and transparent rulemaking process to date and thanks IDEQ for opportunity to participate and comment on this important opportunity in the rulemaking process.

Should you have additional questions, please feel free to contact me.

Sincerely,

Ken Harward

Ken Harward

Executive Director