

Fredric P. Andes, Coordinator
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606
(312) 214-8310

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Federal Water Quality Coalition

April 23, 2014

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

RE: Docket No. 58-0102-1201 – Negotiated Rulemaking

Dear Sir or Madam:

The Federal Water Quality Coalition (“FWQC”) appreciates the opportunity to file comments with Idaho Department of Environmental Quality (“IDEQ”) regarding the development of human health water quality criteria based on fish consumption.

The FWQC is a group of industrial companies, municipal entities, agricultural parties, and trade associations that are directly affected, or which have members that are directly affected, by regulatory decisions made by the EPA and States under the federal Clean Water Act. The FWQC membership includes entities in the aluminum, agricultural, automobile, chemical, coke and coal chemicals, electric utility, home building, iron and steel, mining, municipal, paper, petroleum, pharmaceutical, rubber, and other sectors.

FWQC member entities or their members own and operate facilities located in Idaho and elsewhere around the country. Those facilities operate pursuant to permits that impose control requirements with respect to wastewater discharges. Many of those permits include effluent limits based on water quality criteria developed for the protection of human health. The criteria being developed by IDEQ, and the possible actions of EPA regarding those criteria, may serve as a precedent for how human health criteria issues are addressed in permits for FWQC members in Idaho and in other States. The FWQC therefore has a direct interest in the criteria that are being developed by IDEQ.

The FWQC strongly supports IDEQ’s efforts to use sound scientific methods in reviewing fish consumption risks and then promulgating water quality standards to address those risks. In furtherance of those efforts, we believe that IDEQ should use the “Probabilistic Risk Assessment” (PRA) method in developing its standards instead of applying the traditional deterministic approach.. A proposed PRA approach to setting criteria was presented at IDEQ’s rulemaking meeting on April 2, 2014, by Dr. Paul Anderson of ARCADIS. The PRA method is a technically sound, widely used approach that represents the best science available for assessing risk. PRA provides a better estimate of population variability and a more accurate estimate of risk than traditional deterministic methods.



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Deterministic risk estimates typically apply numerous parameters that represent the upper percentiles (i.e., 90th percentile or higher) of parameter ranges (e.g., fish consumption, or exposure duration) and consequently, the resulting risk estimate is often higher than the 95th percentile or even 99th percentile of the risk range. In contrast, PRA more accurately matches state-determined risk targets with particular populations and subpopulations than would result if a deterministic approach were used instead. Consequently, PRA also allows for a more-informed risk management decision. As a result, all interested parties will be better able to provide effective input into the policymaking process.

The FWQC appreciates the opportunity to submit these comments concerning the development of water quality standards for the protection of human health in Idaho. Please feel free to call or e-mail if you have any questions, or if you would like any additional information concerning the issues raised in these comments.

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Coordinator

