



May 22, 2015

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

**RE: Docket No. 58-0102-1201 - Negotiated Rulemaking  
IDEQ Policy Recommendations on Criteria Calculations**

Dear Ms. Wilson:

Idahoans for Sensible Water Regulation (ISWR) is a broad based coalition of Idaho Municipalities, Business, Industry groups and individuals that are committed to finding solutions that balance the needs for both a healthy environment and a healthy economy. It is with that goal in mind that we offer the following comments in regards to the policy recommendations on criteria calculations from IDEQ dated April 21, 2015.

**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.

**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.

**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.

**Risk and Human Health Protection:** ISWR encourages IDEQ to fully consider that different levels of risk that are allowed under EPA guidance for different segments of a population. EPA guidance allows a carcinogenic lifetime risk of  $1 \times 10^{-6}$  or  $1 \times 10^{-5}$  to a general population as long as “highly exposed” populations are protected at  $1 \times 10^{-4}$ . 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). ISWR supports IDEQ to consider a range of risks consistent with EPA Guidance when setting HHWQC.

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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