



Idaho Farm Bureau Federation

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August 12, 2015

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

Re: Human Health Water Quality Criteria for Idaho- Docket No. 58-0102-1201

Dear Ms. Wilson:

I am contacting you today to provide the Idaho Farm Bureau Federation's (IFBF) general comments regarding Docket No. 58-0102-1201 (Rule). We have met with *Idahoans for Sensible Water Regulation* and agree with that organization's technical findings. IFBF is Idaho's largest general agriculture organization, representing over 73,200 member families throughout our state. Included in these member families are over 60% of Idaho's actual agriculture producers.

IFBF appreciates the thorough and inclusive manner in which the Idaho Department of Environmental Quality (DEQ) has conducted this negotiated rulemaking. While we have no issues with the process that was utilized, we do have concerns about the Rule itself.

The extreme risk number; 95th percentile and one in a million (10^{-6}), is far too stringent and is not needed to protect Idahoans:

The Rule assumes an average American/Idahoan weighing 80 kg (176 pounds) will drink 2.4 liters (2.53 quarts) of untreated water from streams, lakes, unfiltered wells, etc., and eat 16.1 grams (.62 ounces) of fish every day for 70 years. It also assumes a very conservative umbrella cancer risk factor of an incremental cancer case of one in a million or 10^{-6} .

What all this means is that Idaho's current 1.6 million residents risk level and DEQ/EPA's extremely low standard is based on a very few individuals who may be a very small fraction of a percentage of high risk individuals. The Rule will be based on an unrealistic, almost statistically infinitesimal minority of individuals among Idaho's entire population who may or may not exist, who will eat .62 ounces of fish and drink 2.53 quarts of untreated water every day for 70 years. This is not realistic or reasonable.

Anti-backsliding

DEQ has said that no standards will be less "stringent" under the Rule, even if the science shows that a particular compound or chemical should have higher numbers to retain the same risk. If the science indicates that a standard can have a higher value to keep the risk the same, DEQ should use the higher number and keep the stringency the same. The lower number makes the standard more stringent.

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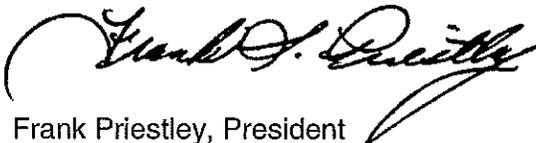
Other concerns:

- Standards in the draft Rule are more stringent than Federal guidelines and are subsequently in violation of Idaho Code as Idaho law says DEQ standards cannot exceed Federal standards.
- The Rule assumes a worst case scenario. For non-cancer causing compounds DEQ should consider the existence of other dietary exposures.
- The new standard's one in a million risk factor means that over the next 70 years, 1.6 Idahoans will be protected from contracting incremental cancer as compared to the 400,000 individuals who will actually develop the disease over that time period. An Idaho resident is far more likely to die from lightning strike than from drinking 2.53 quarts of untreated water and eating a little over 6/10s ounce of fish every day for 70 years.
- The one in a million standard should be more reflective of the total Idaho population and use median of the general population instead of a factor based on the highest consuming public.
- As currently drafted, cost/benefit of the Rule is prohibitive. Estimates say some Idaho companies will have to spend over \$100 million to comply with the Rule. Annual maintenance of waste treatment facilities will cost an estimated \$30 million. Cities and their residents will be hard hit. It's estimated the City of Boise will have to spend \$1 billion to comply with the Rule as drafted. This results in sewer hook-up fee increases of \$80 per month per household.

IFBF is concerned that the draft Rule does not use a realistic standard when arriving at some very important and extremely expensive conclusions. The rulemaking should concern any entity that is required to obtain an NPDES or stormwater permit because cost of compliance will be prohibitively expensive and those costs will be passed along to those who pay for services or in the case of small business, those entities will simply terminate operations.

Thank you for the opportunity to provide our comments on this important rulemaking.

Sincerely,



Frank Priestley, President
Idaho Farm Bureau Federation