

August 19, 2015

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

Dear Ms. Wilson:

The Department of Environmental Quality (Department) has requested comments on the information and proposed rule language provided at the August 6, 2015 rulemaking meeting associated with setting human health water quality criteria. The Northwest Food Processors Association (NWFPFA) represents a number of Idaho businesses engaged in food processing who have a direct interest in water quality standards. The Association has the following comments on the material presented at the August 6 meeting.

Utilization of Best Science in Calculating Criteria Values

The Department's draft rule language has chosen criteria by choosing the smallest value from the existing criteria and those calculated using a probabilistic risk assessment methodology. The Department's decision to choose the smallest value does not utilize the full and best relevant information. As information on toxicity and bioaccumulation changes, the Department should use such information to calculate criteria that represent the latest science. The water quality criteria needs to reflect the latest science, whether that increases or decreases the criteria values. The Department's decision to only let criteria get more stringent in regards to utilizing new information is totally one-sided. The result is that the regulated community may spend dollars to achieve environmental performance that provides no improvements to human health. We strongly encourage the Department to use all relevant information when calculating criteria values.

Likewise, the Department should carefully look at the Relative Source Contribution (RSC) for each pollutant, and based on existing information, make a judgment as to whether a RSC greater than 0.2 is warranted. EPA' default RSC is 0.2. However, for a number of pollutants, the potential source to humans is through water and/or aquatic organisms. For such pollutants, the RSC should be greater than 0.2.

Finally, where the data exist, DEQ should calculate Idaho specific bioaccumulation factors (BAF). These changes to the calculation methodology will provide Idaho residents human health water quality criteria that incorporate the best and most up to date scientific information.

### Allowable Risk Decisions

As a part of this rulemaking, DEQ will make decisions about the level of protection for different segments of the population. The Department is currently proposing to apply the  $1 \times 10^{-6}$  risk management goal to the 95th percentile of the general population. The State's currently proposed risk management goal results in the average Idahoan having an excess lifetime cancer risk of about  $1 \times 10^{-7}$ .

We encourage the Department to look at how the allowable risk decisions affect the calculated criteria value: more stringent risk management benchmarks lead to more stringent criteria. Depending upon the calculation methodology and allowable risk decisions, calculated values may result in criteria that are not achievable and would result in significant financial resources to try to achieve such values.

### Downstream Waters

The Department has proposed rule language on how to apply the standards to the protection of downstream waters. This is a very significant issue which requires very careful examination and discussion. Our recommendation is that DEQ not include this provision in the rulemaking and address this matter in a future rulemaking.

### Scope of Update

NWFPFA recommends that the Department update all the contaminants included in Idaho's current water quality rule.

NWFPFA appreciates the process that the Department has provided for extensive participation by interested parties in this rulemaking.

Sincerely,



Ian Tolleson  
Director, Government Affairs  
Northwest Food Processors Association