



Mayor Tammy de Weerd

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April 30, 2018

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

Subject: Docket 58-0102-1801Comments - Arsenic Human Health Criteria

Dear Ms. Wilson,

Please accept this letter as public comment to the negotiated rulemaking docket No. 58-0102-1801, Arsenic Human Health Criteria.

Comment #1:

The City of Meridian is supportive of the comments submitted by AIC (Association of Idaho Cities) related to this rulemaking effort. AIC represents municipalities that serve over 70% of the citizens of Idaho. The proposed arsenic limits have the potential to significantly impact nearly every citizen in the State of Idaho.

Comment#2:

The City of Meridian supports EPA's efforts to work with NWEA to modify the consent decree, through the appropriate legal avenues, to extend the consent decree deadline. It is critical that the effort to develop state specific information not be rushed, producing potentially indefensible, unsupportable, or unachievable human health criteria (HHC) for arsenic. The Department of Environmental Quality needs adequate time to appropriately sample and characterize the conditions, particularly the natural background conditions, in Idaho waterbodies related to the various forms of arsenic.

Comment #3:

The City of Meridian would like to express concern that all three potential initial approaches are problematic:

- A. Adopting EPA's recommendation from the National Toxic's Rule uses an outdated cancer slope factor and produces limits that may be significantly lower than known natural background levels in Idaho.
- B. The approach used by the State of Oregon is not guaranteed approval by the EPA, who has indicated that certain aspects of this approach would be required to be modified for use in Idaho.
- C. An approach using Idaho specific inputs is not feasible within the given timeframe, with the limited current available data set.

Comment #4:

The Safe Drinking Water Act sets the arsenic MCL at 10ug/L. This limit has been deemed the safe level for human consumption. If these levels are safe for culinary consumption, then EPA and DEQ should consider why separate human health criteria values are necessary for CWA purposes.

Comment #5:

The City has significant concerns with adopting criteria below the limits of current readily available, affordable treatment technologies. Adopting some of the current proposed criteria levels could result in significant affordability and CWA compliance issues across the State. Additionally, the City urges DEQ and EPA to conduct a treatability analysis of arsenic treatment technologies at the proposed criteria levels to understand the affordability, reliability, and treatability of arsenic removal using current available treatment technologies.

Comment #6:

The City requests that DEQ be given the time to not only investigate, develop, and adopt criteria for arsenic but also develop adequate implementation tools such as full natural background condition profiles and variance frameworks for waterbodies where arsenic exists naturally above the proposed criteria.

The City of Meridian would like to reiterate that not producing a scientifically sound and supportable HHC for arsenic has a very high potential cost to all stakeholders.

The City of Meridian appreciates the opportunity to submit these comments and looks forward to working with our State and local partners in the development of these important water quality standards, rules, and guidance for city officials. Should you have questions concerning our comments, please feel free to contact me.

Sincerely,



Laurelei McVey
Deputy Director Utility Operations
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CC: Dale Bolthouse, Meridian Public Works Director