



Mayor Tammy de Weerd

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May 9, 2018

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

Subject: Docket 58-0102-1703, Negotiated Rule Draft 2 Comments

Dear Ms. Wilson,

Please accept this letter as public comment to the negotiated rulemaking docket 58-0102-1703, draft 2.

Comment#1:

Idaho DEQ (DEQ) is proposing changes to the State's Domestic Water Supply use designation definition. Both the current and proposed (revised) definition cause confusion.

DEQ indicates that this rulemaking is to designate domestic water supply as a beneficial use for water bodies utilized for drinking purposes. Typically, beneficial use is defined and administered under the water rights administrative codes administered by Idaho Department of Water Resources.

DEQ appears to use the term "Domestic Water Supply" interchangeably with "drinking water" in both the current and proposed definition of §58.01.02.100.3.a. In Idaho Statute 42-111, domestic purposes (or uses) include uses such as irrigation and stock watering. Defined in that way, DEQ's current and proposed definition for "domestic" supply overlaps with the definition for "agricultural" water.

Standards for drinking water supply, used for direct human consumption, should be higher than standards for irrigation and stock water, yet currently all appear to fall under DEQ's "domestic" definition. It is likely that water is being diverted from some water bodies for various domestic uses, but not for direct drinking water use without treatment of some kind. Meridian recommends that DEQ use this opportunity to separate drinking water use from other domestic uses for purposes of protecting water supplies. DEQ also appears to be clarifying that a source of water has to be treated before it meets drinking water standards.

To address these issues, we suggest that DEQ clarify that this definition only applies to DEQ rule 58.01.02, and the term *Drinking Water Supply* (or similar) be used instead of Domestic Water Supply, as represented in the alternative below:

- Alternative 2 to Domestic Water Supply definition, 58.01.02.100.03.a:
 - Domestic *Drinking* (DWS)*: “Raw water appropriate for that can be readily treated to meet drinking water supplies quality standards.”
* This definition applies for the purposes of the rules contained in IDAPA 58.01.02, “Water Quality Standards”.

Comment #2:

Idaho DEQ is proposing new water body listings for domestic water supply uses.

Fivemile Creek is proposed to be listed from its source to the Miller Canal as Domestic Water Supply. This listing raises several questions/issues:

- Meridian is unaware of any intake on Fivemile Creek providing drinking water supply.
- Meridian is concerned that the entirety of Fivemile Creek is proposed to be listed (from source to mouth).
- A complete listing of Fivemile Creek can have significant permitting and financial impacts on municipalities and other point source discharges of permitted wastewater outflows.

For these reasons, Meridian suggests the following:

- Verify whether or not there are any direct drinking water supply intakes from Fivemile Creek.
- If no drinking water supply intakes are confirmed to exist, remove Fivemile Creek from the new water body listings for domestic water supply use.
- At most, any drinking water supply listing of Fivemile Creek should only occur from the source to the intake location(s).
- Based on data research there does not appear to be any Miller Canal. Please clarify this location.

Please contact me if you have any questions, or would like to discuss these items further.

Sincerely,



Laurelei McVey
Deputy Director of Operations, Public Works

Cc: Dale Bolthouse, Director of Public Works, City of Meridian