



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF
WATER AND
WATERSHEDS

May 7, 2018

Jason Pappani
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

RE: The EPA's Comments on Idaho's Negotiated Rule Draft #2, Designating Domestic Water Supply Use and Associated Revisions, Docket No. 58-0102-1703

Dear Jason:

The EPA appreciates the opportunity to provide comments to the Idaho Department of Environmental Quality (DEQ) on the negotiated rule draft #2 designating the domestic water supply use to those additional surface waters in Idaho that are currently known sources of water supply for public drinking water systems. In addition, the proposed rule includes clarification to the description of Idaho's domestic water supply (DWS) designated use and revision of certain provisions directly and indirectly related to domestic public water supply.

The EPA appreciates DEQ's recent review of its DWS use designation. The proposed revisions are an important component in providing source water protection where surface waters are used for public drinking water. Furthermore, protecting source water is critical to the Safe Drinking Water Act multi-barrier approach to reduce risks to public health from exposure to contaminated water. Protecting source water from contamination is recognized as the first barrier of protection, and can reduce expensive treatment costs. The EPA appreciates DEQ's commitment to update the list of waters designated as DWS as a part of its continuing efforts to protect public drinking water.

The EPA has reviewed DEQ's preliminary rule draft #2 and offers the following comments for DEQ's consideration.

Domestic Water Supply Use Description

Based on the information provided during the April 24, 2018 rulemaking meeting, DEQ proposes clarifying language to the description of DWS at IDAPA 58.01.02.100.03.a. DEQ's proposed revisions, in underline text, are as follows:

58.01.02.100.03 - Water Supply

- a. *Domestic (DWS): water quality appropriate for use as untreated raw water (as defined under IDAPA 58.01.08 "Idaho Rules for Public Drinking Water Systems") for public drinking water supplies.*

The EPA appreciates DEQ's efforts to revise the description of DWS so that the language in rule is consistent with Idaho's interpretation that surface waters designated for DWS are not necessarily safe to

drink until appropriate treatment is applied. The EPA believes the proposed revisions to the description provides the necessary clarity.

Waters Designated for DWS Protection

Idaho's drinking water rules (IDAPA 58.01.08.003.18) define surface water systems as “a public water system which is supplied by one (1) or more surface water sources or ground water sources under the direct influence of surface water” (GWUDIs). The EPA supports DEQ designating the DWS use for both surface water sources and GWUDIs. GWUDI sources by their definition (“... under the direct influence of surface water ...”), are vulnerable to the same types of contaminants as surface water supplies, and therefore their inclusion is warranted.

Identification of Criteria Protective of DWS Use

The EPA supports DEQ's revisions to subsection 58.01.02.252. deleting the current provision at 58.01.02.252.01.a. related to radioactive materials and replacing it with language specifying all general criteria in subsection 58.01.02.200. (including criteria related to radioactive materials at 58.01.02.200.04.) are applicable to waters with the DWS use.

Small Public Water Supply and Turbidity Criteria

The EPA supports DEQ's revisions to 58.01.02.252.01.b., which include removing the table of designated small public water supplies while retaining the existing turbidity criteria. The EPA also supports DEQ's revision specifying that turbidity criteria apply to all waters designated with the DWS use, in addition to those surface waters identified in the table of designated small public water supplies at 252.01.b.i., as provided in the existing regulations.

Subsections 58.01.02.252.b.i and ii provide turbidity criteria that apply to the DWS use, and specify that turbidity is to be measured at the public water intake. During the negotiated rulemaking meeting, several suggestions were made to DEQ to consider revising the wording in both b.i and b.ii to ensure the revisions are consistent with the intent of the current rule, specifically with regard to the use of the terms “natural background” and/or “background.”

The EPA offers the following options for consideration:

- Retain the current language
- Delete the word “natural,” retain the word “background,” and add language specifying the measured location is upstream from and not influenced by any point source or human induced nonpoint source activity.
- Delete the word “natural,” retain the word “background,” and refer to the existing definition of background, which currently includes language specifying that background is to be measured at a location immediately upstream of the influence of an individual point or nonpoint source discharge, or multiple discharges if they exist.

The EPA appreciates DEQ's commitment to update Idaho's water quality standards and supports DEQ's ongoing efforts to use all available and appropriate information in updating Idaho's water quality

standards and providing important protection for Idaho's waters. The EPA continues to be available to assist DEQ with development of the draft rule language. If you have any questions or would like to discuss these comments further, please contact me at (206) 553-1834.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Macchio". The signature is stylized and overlaps with the printed name below it.

Lisa Macchio
Water Quality Standards Coordinator