

Paula Wilson

From: The Corys [stcory@q.com]

Sent: Wednesday, April 28, 2010 9:41 AM

To: Paula Wilson

Subject: RE: Negotiated Rulemaking - Water Quality Standards, Docket No. 58-0102-1001

Thanks for the supporting information on the anti-degradation rulemaking.

I was a concerned that a comment wasn't communicated. Jack Lyman spoke for many of us when he was concerned about the wording of proposed item 051.01.a.

Because this uses "highest possible quality" it appears to over-write the whole regulation. In the extreme interpretation every created job in Idaho would need a pre-review to assure the economic or social benefits justified any effect on the environment. While this action may not be intended, recent history has shown some court somewhere in the US will interpret this policy section in this fashion.

While my preference would be to delete the line, changing it in some fashion as Jack was suggesting is acceptable. My understanding was something like "Maintain high quality surface waters of Idaho;", but you should ask him.