



Clean River ♦ Healthy Community

November 6, 2015

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

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**Re: Proposed Water Quality Standards Changes, Docket No. 58-0102-1201**

Dear Ms. Wilson:

This letter is sent on behalf of the Spokane Riverkeeper, a not-for-profit dedicated to protecting the health of the Spokane River and its tributaries. The Riverkeeper is working toward a fishable and swimmable Spokane River.

The Riverkeeper's supporters and members fish, swim, and boat rivers in Idaho, including the Upper Spokane River. The proposed rule will significantly impact the health of the Spokane River, as at least three NPDES permitted facilities are located on the Upper Spokane in Idaho and numerous facilities are located on Lake Coeur d'Alene and its tributaries.

The Riverkeeper has been an active participant in the rulemaking process for the State of Washington's revision to the fish consumption rate. In that process, the Riverkeeper has been a strong advocate for a rate that is similar to Oregon's – 175 grams per day, which incorporates anadromous fish and use a 95% of consumers for all populations.

The Riverkeeper also has been involved in a collaborative toxics cleanup process that includes IDEQ and Idaho NPDES permittees. The goal of the Spokane River Regional Toxics Task Force is ultimately to meet a PCB standard that is based upon the Spokane Tribe's fish consumption rate of 865 grams per day. Despite this very protective rate, a productive collaboration is underway that will ultimately result in a clean Spokane River – this rate has not shut down business or relocated communities. Instead, we are working toward one of the most innovative cleanups in the Nation.

The proposed changes to water quality standards proposed by IDEQ are alarming in that they are inconsistent with the goals of the Clean Water Act of achieving waters that are fishable and swimmable for the public.

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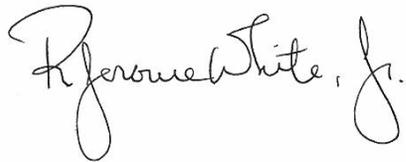
The proposed standards are calculated to protect only 50% of tribal fish consumers, as opposed to the 95<sup>th</sup> percentile for the general population. A water quality standard must protect all consumers and cannot disproportionately impact a discrete and vulnerable community (such as tribal communities). That is an issue of environmental justice that will not pass any legal muster.

Second, the rate excludes anadromous fish, including salmon, because the State does not believe it can impact waters outside of Idaho. This ignores the fact that Idaho water and its pollution contributes to water quality in the Snake and Columbia Rivers outside of the state. It also ignores Idaho's legal obligation to avoid causing and contributing to water quality issues downstream. 40 C.F.R. § 122.4. Turning a blind eye to anadromous fish ignores these facts and leaves one of Idaho's most treasured natural resources – salmon – without protection that they deserve.

We urge IDEQ to reconsider the proposed water quality standards and ensure that whatever proposal moves us toward meeting the goal of fishable and swimmable waters, rather than preserving the status quo.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Jerry White Jr." with a stylized flourish at the end.

Jerry White Jr.  
Spokane Riverkeeper