

August 5, 2016

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

Dear Ms. Wilson:

The Idaho Department of Environmental Quality (Department) is seeking comments on two documents associated with the development of a revised copper water quality criterion. The Idaho Association of Commerce & Industry (IACI) is the leading voice for business in Idaho and has been involved for a number of years in the development and revisions of Idaho water quality criteria. IACI has the following comments on the *Draft Copper Criteria Guidance Outline* and the *Monitoring for Inputs to the Biotic Ligand Model – Draft Monitoring Plan*.

Draft Copper Criteria Guidance Outline

IACI has the following recommendations for changes to the *Outline*.

Calculation of Permit Limits

- The section titled "Calculation of NPDES Permit Limits" should be changed to "Calculation of Copper Criteria for Water Quality Based Permitting".
- The "12 monthly samples" needs to be clarified to be paired with ambient (upstream) and effluent data sets with all Biotic Ligand Model (BLM) input parameters being measured for each sample. Each paired data set would be combined to estimate BLM input parameters at the mixing zone edge and in complete mix conditions.
- The calculated instantaneous water quality criteria (IWQC) should be used in a reasonable potential analysis (RPA) to develop permit effluent limits, if appropriate.
- The same reasonable potential analysis approach being developed in the *User's Guide to Permitting and Compliance* should be the same approach used for determining copper permit limits and that a permit limit be issued only after the RPA indicates a reasonable potential to exceed the copper criteria. By basing a permit limit on the 10th percentile (or 15th percentile as was mentioned in the IDEQ conference call on July 25) of the effluent instantaneous water quality criteria, it is assumed that effluent limits are necessary for a discharge, which is not necessarily the case if the receiving water is not impaired for copper, and provides no consideration of a dilution allowance or mixing zone.

Identifying Impairments for the Integrated Report

- The sentence: "It will also provide a hierarchical process for how to derive criteria when sufficient BLM input data are incomplete" should be removed. The copper water quality criteria (WQC) needs to be established before any impairments can be identified.
- The fixed monitoring benchmarking approach is mentioned as an appropriate method to determine the likelihood of exceeding the IWQC if 12 monthly BLM

datasets are available. It is recommended that data be collected over at least two years before application of the fixed monitoring benchmarking approach so as to identify water quality impairments. It is important that two seasons, (e.g., two late summer seasons) be captured during monitoring, so that the possibility of generating atypical results due to an abnormally low precipitation year (as an example), are lessened. If there are large seasonal differences in the IWQC and permit limits are deemed necessary, consideration needs to be given to having seasonal limits.

Monitoring for Inputs to the Biotic Ligand Model - Draft Monitoring Plan

IACI has the following recommendations for changes to the *Plan*.

General Overview of Project

- It should be specified in the "General Overview of Project" that all monitored parameters are dissolved measurements.

Selection of Sampling Sites

- When selecting sampling sites, we recommend that consideration be given to avoid bridges and roads to help ensure copper results are not positively biased.

IACI sincerely appreciates the opportunity to submit these comments for the Department's consideration. Please contact us with any questions.

Sincerely,



Alex LaBeau
President

cc: Alan Prouty, Chair
IACI Environment Committee