

February 3, 2017

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

RE: Docket No. 58-0102-1502 – Negotiated Rulemaking
IDEQ Update to Copper Criteria for Aquatic Life Use

Dear Ms. Wilson:

The Department of Environmental Quality (Department) is seeking comments on *Draft Implementation Guidance for Copper Criteria for Aquatic Life*. 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 (IWQC). This involvement included comments submitted last August on the copper water criterion in regards to calculating water permit limits, identification of impaired waters for copper, and monitoring of copper in water segments. IACI has the following comments on the *Draft Guidance*.

Identifying Impairments for the Integrated Report (Section 8)

- We agree that the copper assessments must be based on paired dissolved copper and complete Biotic Ligand Model (BLM) parameter sample results.
- We also agree that when copper data are associated with complete BLM parameter results, assessments should be based on direct comparison to the IWQC associated with the dissolved copper sample. However, when looking at the language in Section 8, it is not clear how this language aligns with the statistical methods in Section 5.4. Section 5.4.2 discusses using the 10th percentile of all IWQCs to develop a specific site criterion. However, such an approach is overly conservative and is not appropriate in the determination of what is an impaired water body. Thus, Section 8 needs clarification that all paired data needs to be used rather than a calculated 10th percentile value as the criterion.

IACI sincerely appreciates the opportunity to comment on this draft document. Also, we appreciate opportunities for IACI and its members, along with other stakeholders, to discuss this issue in further detail.

Sincerely,



Alex LaBeau
President

cc: Alan Prouty, Chair
IACI Environment Committee