



Association of Idaho Cities
3100 South Vista, Suite 210, Boise, Idaho 83705
Telephone (208) 344-8594
Fax (208) 344-8677
www.idahocities.org

February 3, 2017

Jason Pappani, Water Quality Standards Lead
Idaho Department of Environmental Quality
1410 N Hilton
Boise, ID 83705

Re: Docket No. 58-0102-1502 - Draft Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model

Dear Mr. Pappani,

The Association of Idaho Cities (AIC) was founded in 1947 and is a nonpartisan, nonprofit corporation owned, organized, and operated by Idaho's city governments. The organization serves to advance the interests of the cities of Idaho through legislative advocacy, technical assistance, training, and research. Idaho cities play an important role as the primary implementers of the Clean Water Act and have a significant interest in the development of rules and guidance related to water quality standards such as the Biotic Ligand Model (BLM) criteria for copper. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Councilmember Elaine Clegg.

The Idaho Department of Environmental Quality (DEQ) is developing guidance for implementing the BLM. AIC participated in the guidance development meeting held by DEQ on December 20th, 2016. Our comments are included in Attachment A to this letter.

AIC appreciates the opportunity to comment on the development of the BLM guidance and looks forward to working with our state and other partners in the development of this important resource for city officials. Should you have questions concerning our comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Grigg", is written over the word "Sincerely,".

Seth Grigg

Executive Director

cc: Elaine Clegg, AIC Environment Committee Chair
Johanna Bell, AIC Policy Analyst
Tom Dupuis, AIC Environmental Consultant

Attachment A

Docket No. 58-0102-1502 - Draft Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model

Specific Comments from the Association of Idaho Cities (AIC)

AIC has the following comments on the draft guidance report presented at the December 20th meeting:

- Page 12, Figure 9: These charts present a comparison of hardness-based criteria and BLM-based criteria for copper, using Idaho state-wide data from a 2006 wadeable stream assessment by EPA. The conclusion from this figure noted by IDEQ at the meeting is that BLM criteria are more restrictive than hardness criteria at about three-quarters of the sites. AIC is not familiar with these particular sites, but because they are all wadeable they may not be representative of receiving waters more likely to receive discharges of municipal wastewater (e.g., larger rivers). Because IDEQ is gathering BLM data at 154 sites in Idaho, AIC anticipates this database will provide a more robust and representative perspective on the overall and site specific implications of the BLM. If this turns out to be the case, AIC recommends deletion or replacement of Figure 9.
- Page 15-16, Section 5.1 and Table 1: At the December 20th meeting there was important discussion about possible incidental contamination of samples for dissolved organic carbon. This should be noted in the implementation guidance, perhaps as a footnote to Table 1, that precaution must be used to flush the filters with adequate sample or deionized water prior to taking the actual sample for analysis, and there may be a need to collect and analyze blank samples to ensure that incidental contamination has not occurred.
- Page 18, Section 5.2.2: In this section, IDEQ states that BLM data collected in receiving waters downstream of point source discharges will provide the basis for applicable BLM criteria. AIC supports this approach because it will provide the best science-based local dataset that will be representative of BLM constituents in both the receiving water and the effluent after mixing.
- Page 18, Section 5.3.1: This section states that 12 monthly data points over the course of a year will provide appropriate data for a given site. AIC agrees that this generally will be the case, but the guidance should also note that sampling in some locations in Idaho can be very challenging, and at times unsafe, during high flow and winter seasons.
- Page 19, Section 5.4.2, 5.4.4 and 7: These sections state that IDEQ will use the 10th percentile of instantaneous water quality criteria (IWQC) at a given site for the applicable criteria. AIC believes that it is premature to stipulate this in this draft guidance at this time. There is a concurrent guidance development process now underway by IDEQ with a workgroup specifically assigned to guidance for water quality based effluent limits (WQBELs). Although this BLM guidance document is not defining the WQBELs, the BLM criteria will be the driver of WQBELs for copper, especially in lower dilution situations. AIC requests that a decision on such a critical item as a percentile value should be deferred until the WQBELs guidance addresses this topic and IDEQ makes a decision for that guidance, because the approach must be consistent for both criteria and WQBELs. Section 5.4.4 again states that 12 monthly samples for a year is most

appropriate, but as noted in the comment above, this is not always going to be case and the guidance should provide flexibility.

- Page 19, Section 5.4.3: In this section IDEQ notes that probabilistic approaches such as the fixed monitoring benchmark (FBM) can also be used for evaluating IWQCs for a given site. AIC supports the flexibility to use the FBM or other approaches such as dynamic modeling (e.g., Monte Carlo simulation). In fact, AIC believes these could be the preferred approach if sufficient data are available. However, additional analysis of one or more existing robust dataset to evaluate the various alternative approaches should be undertaken before the guidance is finalized. AIC also is concerned that this section says that three years of data may be needed for the FBM probabilistic approach. AIC believes that a single year may well be sufficient if the year monitored has reasonably typical or representative flow and quality conditions for the receiving water.
- Pages 21-22, Sections 7 and 8: As noted in other comments above, the decision regarding the percentile value should be deferred until the WQBELs workgroup process has been completed. These sections also note that if 12 BLM datasets are available, then a percentile IWQC value is used, and if less than 12 are available then the minimum IWQC will be used, and if no BLM data are available, then monitoring for BLM parameters will be required. AIC believes that additional monitoring should also be an option if there are some BLM data available, but less than 12 values. Dischargers should be given the option to collect a more robust dataset if they have the incentive and resources to do so.