



IDAHO  
CONSERVATION  
LEAGUE

208.345.6933 • PO Box 844, Boise, ID 83702 • [www.idahoconservation.org](http://www.idahoconservation.org)

May 9, 2018

Paula Wilson  
Administrative Rules Coordinator  
DEQ State Office  
1410 N. Hilton  
Boise, ID 83706

Jason Pappani  
Water Quality Standards Lead  
DEQ State Office  
1410 N. Hilton  
Boise, ID 83706

Submitted via email: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov) and [jason.pappani@deq.idaho.gov](mailto:jason.pappani@deq.idaho.gov)

**RE: Water Quality: Docket No. 58-0102-1703 – Negotiated  
Rulemaking Draft #2**

Dear Ms. Wilson and Mr. Pappani,

Thank you for the opportunity to comment on the second draft of Docket No. 58-0102-1703 - Negotiated Rulemaking on Domestic Water Supply.

Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 30,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality and public health.

Our detailed comments follow this letter. Please do not hesitate to contact me at 208-345-6933 ext. 23 or [ahopkins@idahoconservation.org](mailto:ahopkins@idahoconservation.org) if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,

Austin Hopkins  
Conservation Associate

*RE: Idaho Conservation League comments on Water Quality: Docket No. 58-0102-1703 –  
Negotiated Rulemaking Draft #2*

Page 1 of 3

## **Reference to Idaho's Drinking Water Rules**

DEQ's proposed changes to 58.01.02.100.02.a reference definitions in IDAPA 58.01.08, *Idaho's Rules for Public Drinking Water Systems*. We support DEQ's efforts to reference IDAPA 58.01.08. Not only does this provide a logical connection between two germane rules, but IDAPA 58.01.08 also explicitly provides protection to public water systems supplied by groundwater under the direct influence of surface water (GWUDIs). GWUDIs are susceptible to the same pollution as surface water bodies, thus including this reference provides better protection to any Idahoans reliant upon a public water system supplied by GWUDI.

## **Edits to 252.b.i and 252.b.ii**

Subsections 252.b.i and 252.b.ii both reference background levels and attempt to define what is meant by "background." During the rulemaking session it was pointed out that "background" is already defined in Idaho's Water Quality Rules. IDAPA 58.01.02.010.06. We feel the current definition of "background" included in the definitions section of Idaho's Water Quality Rules provides sufficient clarity and protection with regards to the requirements stipulated in 252.b.i and 252.b.ii. As such, we propose removing the following language from both 252.b.i and 252.b.ii: "*measured at a location upstream from or not influenced by any human induced nonpoint source activity.*" After removal, the final sections would read as follows.

252.b.i: Increased by more than five (5) NTU above background, when background turbidity is fifty (50) NTU or less.

252.b.ii: Increased by more than ten percent (10%) above background, not to exceed twenty-five (25) NTU, when background turbidity is greater than fifty (50) NTU.

## **Harmful Algal Blooms**

During the rulemaking session on 24 April 2018, Mr. Pappani of DEQ noted the immense amount of time and effort needed to make changes to administrative rules. In fact, this was cited as the motivation behind the proposed removal of the Designated Small Public Water Supplies Table. Given that updating administrative rules is such a laborious process, it is prudent to ensure that all appropriate updates are included during a rulemaking session, so as not to require another laborious rulemaking the following year.

With this in mind, we encourage DEQ to incorporate the EPA’s Drinking Water Health Advisory (HA) guidelines<sup>1</sup> for cyanotoxins into Idaho’s Water Quality Rules as part of this rulemaking process. The EPA’s HA for cyanotoxins includes the following advisory limits:

<b>Cyanotoxin</b>	<b>Drinking Water Health Advisory (10-day)</b>	
	<b>Bottle-fed infants and pre-school children</b>	<b>School-age children and adults</b>
Microcystins	0.3 µg/L	1.6 µg/L
Cylindrospermopsin	0.7 µg/L	3 µg/L

The EPA notes that these advisory levels are subject to change as new information becomes available. Nonetheless, the EPA and DEQ are aware of the harmful effects of these cyanotoxins, and as such protection should be included for drinking water for the citizens of Idaho. Anything less needlessly risks the health of Idahoans.

We feel it would be most appropriate to incorporate these guidance levels in a similar manner as the turbidity requirements found in 252.b.i and 252.b.ii, with the point of compliance being the intake of a public water supply system. Given the potential harmful impacts from these cyanotoxins, exceedances above the HA levels referenced in the table above should not be permitted, regardless of background concentrations.

---

<sup>1</sup> See: <https://www.epa.gov/nutrient-policy-data/guidelines-and-recommendations#what2>