



**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION 10**
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OFFICE OF
WATER AND
WATERSHEDS

August 24, 2018

Jason Pappani
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

RE: The EPA's Comments on Idaho's Proposed Rule, Designating Domestic Water Supply Use and Associated Revisions, Docket No. 58-0102-1703

Dear Jason:

The EPA appreciates the opportunity to provide comments to the Idaho Department of Environmental Quality (DEQ) on the proposed rule designating domestic water supply use for those additional surface waters in Idaho that are currently known sources of water supply for public drinking water systems. In addition, the proposed rule includes clarification to the description of Idaho's domestic water supply (DWS) designated use and revision of certain provisions directly and indirectly related to domestic public water supply.

The EPA commends the DEQ for its comprehensive review of its DWS use designations. The proposed revisions are an important component in providing source water protection where surface waters are used for public drinking water. Furthermore, protecting source water is critical to the Safe Drinking Water Act multi-barrier approach to reduce risks to public health from exposure to contaminated water. Protecting source water from contamination is recognized as the first barrier of protection, and can reduce expensive treatment costs. The EPA appreciates the DEQ's commitment to update the list of waters designated as DWS as a part of its continuing efforts to protect public drinking water.

The EPA has reviewed the DEQ's proposed rule and offers the following comments for the DEQ's consideration.

Domestic Water Supply Use Description

The DEQ proposes clarifying language to the description of DWS at IDAPA 58.01.02.100.03.a. The DEQ's proposed revisions, in underline text and strikeout, are as follows:

58.01.02.100.03.a - Water Supply
Domestic (DWS): water quality appropriate for use as untreated raw water (as defined

under IDAPA 58.01.08 "Idaho Rules for Public Drinking Water Systems") for public drinking water supplies.

The EPA appreciates the DEQ's efforts to revise the description of DWS so that the language in rule is consistent with Idaho's interpretation that surface waters designated for DWS are not necessarily safe to drink until appropriate treatment is applied. The EPA believes the proposed revisions to the description provide the necessary clarity.

Waters Designated for DWS Protection

The EPA supports the revisions to IDAPA 58.01.02.110 through IDAPA 58.01.02.140 where the DEQ has proposed designating DWS to an additional 27 waterbodies. Idaho's drinking water rules (IDAPA 58.01.08.003.18) define surface water systems as "a public water system which is supplied by one (1) or more surface water sources or ground water sources under the direct influence of surface water" (GWUDI). The EPA supports the DEQ designating the DWS use for both surface water sources and GWUDI. GWUDI, by their definition, are vulnerable to the same types of contaminants as surface water supplies, and therefore their inclusion is warranted. The EPA understands the DEQ obtained the most recent information from the DEQ Safe Drinking Water Information System database to determine what additional waterbody segments to propose designation of DWS.

Identification of Criteria Protective of DWS Use

The EPA supports the DEQ's revisions to IDAPA 58.01.02.252 deleting the current provision at IDAPA 58.01.02.252.01.a related to radioactive materials and replacing it with language specifying all general criteria in IDAPA 58.01.02.200, including criteria related to radioactive materials at IDAPA 58.01.02.200.04, are applicable to waters with the DWS use.

IDAPA 58.01.02.252.01.a - Domestic

a. Must meet general water quality criteria set forth in Section 200 and the Water & Fish criteria set forth in Subsection 210.01.b.

Small Public Water Supply and Turbidity Criteria

The EPA supports the DEQ's revisions to IDAPA 58.01.02.252.01.b, which include removing the table of designated small public water supplies. The EPA understands that this list of designated small public water supplies will be addressed by the DEQ in IDAPA 58.01.02.110 through 58.01.02.140 where DWS designations are listed in the "Other" column for the water body providing source water for these public water systems. The EPA also supports the DEQ's revision specifying that turbidity criteria apply to all waters designated with the DWS use or any public water intake as an existing use.

The proposed revisions to IDAPA 58.01.02.252.b.i and ii specify turbidity criteria that apply to the DWS use, and that turbidity is to be measured at any public water intake.

~~b. For those surface waters identified in Subsection 252.01.b.i. Turbidity as measured at the any public water intake shall not be:~~

- ~~i. Increased by more than five (5) NTU above *natural* background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is fifty (50) NTU or less.;~~
- ~~ii. Increased by more than ten percent (10%) above *natural* background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, not to exceed twenty five (25) NTU, when background turbidity is greater than fifty (50) NTU. and less than two hundred and fifty (250) NTU; or~~
- ~~iii. Increased by more than twenty-five (25) NTU above background when background turbidity is two hundred and fifty (250) NTU or greater.~~

The existing rule in IDAPA 58.01.02.252.b.ii states that turbidity cannot be increased by more than 10% above background or exceed a maximum of 25 NTUs when background is greater than 50 NTUs. In practice, the background value of 250 NTUs is the maximum amount where there is no more than a 10% increase in turbidity above background or maximum exceedance of 25 NTUs. The EPA supports the proposed revisions which effectively do not change the turbidity criteria, but simply rephrase the criteria to provide additional clarity. The EPA provides the below table illustrating our understanding of the application of the proposed clarifications to IDAPA. 58.01.02.252.b. i. - iii. The EPA suggests the DEQ consider addition of such a table into the rule to provide additional clarity.

Turbidity Background	Turbidity Criteria – Cannot increase by more than:
≤ 50 NTUs	5 NTUs above background
>50 – 250 NTUs	10% above background
> 250 NTUs	25 NTUs

Additionally, the DEQ proposes removing the word “natural” at IDAPA 58.01.02.252.b.i and ii and removing the following wording: “measured at a location upstream from or not influenced by any human induced nonpoint source activity,” as shown below:

- ~~*b. For those surface waters identified in Subsection 252.01.b.i. Turbidity as measured at the any public water intake shall not be:*~~
- ~~i. Increased by more than five (5) NTU above *natural* background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, when background turbidity is fifty (50) NTU or less.;~~
 - ~~ii. Increased by more than ten percent (10%) above *natural* background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, not to exceed twenty five (25) NTU~~

It is the EPA’s understanding that the DEQ interprets “background” according to the definition at IDAPA 58.01.02.010.06. Please clarify if the DEQ has different intentions with this language, which states:

“The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream

point of measurement is absent, the Department will determine where background conditions should be measured.”

The rule language in IDAPA 58.01.02.100.06 regarding measuring upstream of point and nonpoint source discharge influences is substantially the same as the existing language in IDAPA 58.01.02.252.b.i and ii. Regarding the “Background” definition which states in part, “If several discharges to the water exist or if an adequate upstream point of measurement is absent, the Department will determine where background conditions should be measured,” the EPA understands it is DEQ’s intent to seek locations which are minimally impacted by upstream point and nonpoint source discharges when providing this flexibility in measuring background turbidity concentrations. Please clarify if the DEQ has different intentions.

The EPA appreciates DEQ's commitment to update Idaho's water quality standards and supports DEQ's ongoing efforts to use all available and appropriate information in updating Idaho's water quality standards and providing important protection for Idaho's waters. The EPA appreciates the DEQ’s steps to protect surface waters that are source waters for public water systems as part of a multi-barrier approach to protect public health. The EPA understands that the DEQ intends to regularly update its table of use designations to appropriately designate DWS use for those waterbodies that are source waters for public drinking water systems. The EPA supports DEQ in these efforts to ensure continued source water protection for these drinking water systems.

If you have any questions or would like to discuss these comments further, please contact me at (208) 378-5771.

Sincerely,



Cyndi Grafe
Water Quality Standards Coordinator