

## Don Essig

---

**From:** Webmaster  
**Sent:** Monday, March 12, 2012 2:26 PM  
**To:** Don Essig  
**Subject:** Lake Pend Oreille Waterkeeper

**Name::**  
Shannon Williamson

**Email::**  
[shannon@lakependoreillewaterkeeper.org](mailto:shannon@lakependoreillewaterkeeper.org)

**Affiliation::**  
Lake Pend Oreille Waterkeeper

**Comments::**

Thank you for this opportunity to comment on the draft guidance to implement Idaho's antidegradation policy. Lake Pend Oreille Waterkeeper (LPOW) works in the public interest to protect the water quality of Lake Pend Oreille and its associated waters, including the Pend Oreille River. We intend to use this opportunity to specifically comment on how the draft guidance could potentially impact the water quality of the Pend Oreille River in light of its delisting from the 303 (d) list for total phosphorus.

Total phosphorous (TP) was listed as a cause of impairment for the Pend Oreille River in the 2008 Integrated Report, falling under the Integrated Report Category 5. According to the draft guidance document, the Pend Oreille River would have been assigned Tier 1 protection in this scenario. Since the Pend Oreille River was delisted for TP in the 2010 Integrated Report (despite evidence to the contrary), it appears that this water body would now be assigned Tier 2 protection.

Although on the surface Tier 2 protection appears to have the capacity to preserve the water quality of the Pend Oreille River more than Tier 1 protection, the potential for additional pollutant discharges to the river from new NPDES permits could further impair the Pend Oreille River for TP. The most likely source of new pollutant discharge would be additional wastewater treatment facilities, whose discharge would only exacerbate the current problems with TP in the Pend Oreille River (despite regulations around allowable concentrations).

While the draft guidance requires an assessment of 1)the necessity of degradation of water quality and 2)the importance of social or economic development associated with the discharge for Tier 2 water bodies, it seems likely that expansion of wastewater treatment capacity (with discharge to the Pend Oreille River) could be reasoned to adequately address both of these components in response to a growing population. Therefore, additional phosphorus pollution is likely. The draft guidance also describes the rules around "insignificant degradation", which include a decrease in assimilative capacity by no more than 10%. A 10% increase in the assimilative capacity for TP, based on the history of elevated ambient concentrations in the Pend Oreille River, would likely result in significantly elevated levels.

In the case of the Pend Oreille River with respect to TP, the proposed draft guidance could potentially result in further degradation rather than antidegradation of water quality due to its current listing status for TP. Even higher concentrations of TP will undoubtedly result in increases in visible slime growths and nuisance aquatic growths (including Eurasian Watermilfoil and Flowering Rush), both of which violate narrative water quality standards and impair the beneficial uses of the water body.

LPOW urges IDEQ to consider scenarios such as the one outlined above when evaluating the Tier of protection that will be assigned as well as when performing analyses of necessity and importance for Tier 2 determinations.

**Enter the code below:**