
TRIENNIAL REVIEW WORKSHOP #1 – PUBLIC COMMENTS

COMMENTER 1 – GEI CONSULTANTS, JOHN GONDEK

“I have a few questions regarding the ongoing Triennial Review in Idaho. I see that there will be three public workshops to discuss the proposed changes (one having already occurred), and that a 30 day comment period will be open after each meeting pertaining to topics covered in that specific workshop. Will there be draft agendas posted on the DEQ website prior to the other two workshops? I am interested to hear that Idaho is considering updating their copper standards and would like to know when it may be most appropriate to submit comments on this topic.

“My interest in ID's copper standards and hearing process is on behalf of our client, the Copper Development Association (CDA). CDA played a significant role in sponsoring scientific research used in development of the freshwater Biotic Ligand Model (BLM), and is now interested in encouraging efforts by states and tribes to incorporate the latest recommended USEPA national criteria for copper into their water quality standards program. This latest approach uses the BLM to generate more accurate freshwater criteria that maximize the protection of aquatic life under a wide range of water quality conditions. Therefore, we are compiling Triennial Review process information to help determine when and how CDA may best participate in these efforts.”

COMMENTER 2 – LAKE PEND OREILLE WATERKEEPER, SHANNON WILLIAMSON

“Will the information presented at the 3 workshops be made available on DEQ’s website or in hardcopy? Or can the public only comment on the information presented during the live workshop?”

100. Surface Water Use Designations

02. Recreation. "Simplify to one use, just contact recreations (no primary vs. secondary)"

“LPOW suggests that primary and secondary contact recreation designations are not combined due to their associated numeric criteria for E. Coli. I'm specifically referring to section 251 titled "Surface Water Quality Criteria for Recreation Use Designations", subsections 01(b)i-iii (single sample values). The single sample values are substantially different for primary vs. secondary contact recreation, especially with respect to designated swim beaches. It is unclear how these single sample values will be adjusted if the two recreation designations are combined.”

251. Surface WQC for Recreation Use Designations

01. E. Coli Bacteria. "Consider adopting EPA's new 304(a) recommendations"

“As far as we understand, the EPA is recommending "the criteria magnitude be expressed as a GM value corresponding to the 50th percentile and a STV corresponding to the 90th percentile of the same water quality distribution, and thus associated with the same level of public health protection. EPA’s criteria recommendations are both for a GM and STV (rather than just a GM or just an STV) because used together they would indicate whether the water quality is protective of the designated use of primary contact recreation. Using the GM alone would not reflect spikes in water quality because the GM alone is not sensitive to them" (U.S EPA Recreational Water Quality Criteria).

"It's unclear if the IDEQ intends to only implement the GM and STV-based guidelines or if they intend to utilize single sample values as well. LPOW appreciates the value of single sample information since an exceedance likely indicates an exceedance of the geometric mean criterion (according to IDEQ WQS) and also preclude sampling over an extended period of time.

"In addition, according to the EPA's Recreational Water Quality Criteria, states may chose to use a beach action value where any single sample above the beach action value could trigger a beach notification until another sample below the beach action value is collected. LPOW suggests that the beach action value criteria is incorporated into any changes regarding E.Coli. This is particularly pertinent to North Idaho with its highly popular lakes and their swim areas."

200-210: Numeric vs Narrative Criteria

"LPOW strongly suggests implementing numeric criteria for phosphorous and nitrogen per the EPA's directive to states. While IDEQ did create a Numeric Nutrient Criteria Development Plan, it has not been updated since 2007. According to EPA, Idaho has not made any progress towards establishing numeric criteria for P and N, even for planning of criteria development (<http://cfpub.epa.gov/wqsits/nnc-development/>). LPOW fully appreciates the complexity of developing numeric standards and the need for scientifically accurate data. LPOW suggests that IDEQ utilize the nutrient data that has been collected for lakes and rivers in North Idaho (e.g. Lake Pend Oreille and the Pend Oreille River), as well as quality controlled citizen science generated nutrient data, to begin this planning process for North Idaho waters."

250. Surface Water Quality Criteria for Aquatic Life Use Designations.

02. Cold Water.

"Dissolved Oxygen: "Current criteria do not match EPA's 1986 'Gold Book' recommendations; DEQ has a minimum of 6.0 mg/L at all times, while EPA's recommendation is for a minimum of 4.0 mg/L coupled with a 30 day mean of 6.5 mg/L. EPA's recommendations may not work with ESA concerns, but the point is state criteria are out of date, and more importantly lack the sophistication to deal with variable conditions. EPA's recommendations for DO contain language on natural conditions rules lack. This is a problem since Idaho's elevation leads to lower atmospheric pressure and lower DO saturation concentrations. Alternatively, DEQ could add a statement that DO measurements are to be corrected to sea level pressure before comparison to the criteria.

"LPOW believes that the effects of altitude, while real, are overemphasized. While the solubility of oxygen does decrease with increasing altitude, this decrease is likely offset due to adiabatic effects on temperature, leading to its reduction (which increases solubility). IDEQ suggests adding a statement that DO measurements are corrected to sea level pressure before comparison to criteria. If this suggestion is implemented, then LPOW suggests that a similar correction should be made for adiabatic temperature decreases."

COMMENTER 3 – BARKER ROSHOLT & SIMPSON, SHELLEY M. DAVIS

During the Triennial Review I asked a question concerning the beneficial use designation for salmonid spawning and was told that a report had recently been completed concerning where salmonid could, but are not presently spawning in Idaho. I have tried to locate the report at DEQ's website, but without any luck. Could you direct me to the report?

COMMENTER 4 – IDAHO POWER COMPANY, SARAH HIGER

"The Idaho Power Company ("IPC") submits the following comments to the Idaho Department of Environmental Quality ("IDEQ") in response to the scoping meeting held on July 1, 2014, to discuss the list of potential triennial review items. IDEQ is soliciting comments in order to assist in prioritizing potential future rulemakings. These comments represent those areas of potential future rulemaking that IPC believes are most warranted over the next three years.

"First, IDEQ proposes adding Total Dissolved Gas (TDG) to Beneficial Use Support Status (58.01.02.054.03) and a related proposed revision to the Gas Supersaturation criteria (58.01.02.300). IPC supports a rulemaking on these items.

"Next, since IDEQ contemplates revisions to 58.01.02.200.03, Deleterious Materials, IPC recommends that IDEQ also consider revising language to 58.01.02.200.07, Oxygen-Demanding Materials, which states in part that "...surface waters of the state shall be free from oxygen-demanding materials in concentrations that would result in an anaerobic condition." In some situations "anaerobic" has been defined as less than 1 mg/L dissolved oxygen (DO). However, macrophytes affect DO in the Snake River by contributing to very low DO (less than 4 mg/L) during the diel cycle when plants respire. The rule as currently written cannot be applied under certain naturally occurring conditions, such as macrophyte effects on DO. Therefore, the language should be revised to include naturally occurring effects that result in substandard conditions. If IDEQ undertakes this rulemaking, IPC would recommend the following language, or something similar, to address the inconsistency between the rule as written and naturally occurring circumstances:

200.07. Oxygen-Demanding Materials. Surface waters of the state shall be free from oxygen-demanding materials in concentrations that would result in an ~~anaerobic~~ substandard condition.

"IDEQ also proposes revisions to Criteria for Surface Water Quality Criteria for Aquatic Life Designations, relating to dissolved oxygen (58.01.02.250.02). DO saturation is dependent on a number of factors, including anthropogenic effects, temperature, changes in elevation and azimuth. For this reason, IPC recommends that if IDEQ undertakes this rulemaking, it consider these factors in setting the DO saturation criteria.

"Additionally, research developed by McGrath et al., in 2006 demonstrates that short term exposure of up to 120% of saturation does not produce significant effects in migratory juvenile or adult salmonids when compensating depths are available. *Also see* Weitkamp (2008). For this reason, IPC recommends that, in addition to the proposed revisions to 58.01.02.250.02, IDEQ consider the following revisions to 58.01.02.250.01(b):

250.01(b). The total concentration of dissolved gas not exceeding one hundred and ~~ten~~ twenty (~~100%~~ 120%) of saturation at atmospheric pressure at the point of sample collection.

"Finally, IDEQ proposes revising low flow design discharge conditions (58.01.02.210.03(b)). At present, IDEQ allows the application of the "10% rule" in making use support determinations, which allows temporary exceedances (i.e., 10% of the time). IPC notes a flow duration curve can be used to represent flows 10% of the time (i.e., the lowest 10th percentile of flows). This would allow an additional alternative for making use support determinations. IPC would support exploring such a revision.

"Thank you for the opportunity to submit these comments on the proposed areas of rulemaking that IDEQ has explored as part of the Triennial Review."

COMMENTS 5 – FRIENDS OF THE TETON RIVER, SARAH LIEN RUPP

“I attended the first meeting of the triennial review out of the Idaho Falls office.

“At that meeting you asked participants to provide feedback on standards that may need to be revised or changed. I had hoped to submit formal comments, or certainly something more robust than this, but haven’t had an opportunity to do so. I want to suggest that the standards relevant to nutrient impairment be examined. It is my understanding that the EPA has suggested that all states adopt a numeric standard, as opposed to Idaho’s narrative standard, and Friends of the Teton River would like to see this examined by Idaho DEQ.”