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Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton,
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Submitted via email: paula.wilson@deq.idaho.gov

**RE: 2nd ICL comments on DEQ Rulemaking related to Domestic Water Supply.
Docket 58-0102-1730**

Dear Ms. Wilson,

In late 2017 DEQ initiated a rulemaking related to Domestic Water Supply. Because ICL staff were not able to attend the only rulemaking meeting that was scheduled we submitted comments prior to the meeting. Subsequent to the meeting, DEQ has made available the materials presented at the meeting. After reviewing these materials we have additional supplemental comments on this matter. Please see below.

We now think that we understand that it *is* DEQ's intention that the proposed language changes will mean that the point of determining compliance with standards related to domestic water supply is outside of the waterbody and post treatment. We have some concerns – and some confusion – about how this would work.

It is unclear to us how compliance with standards based on the beneficial use of domestic water supply would be monitored. Does this proposed change now mean that the Clean Water Act would extend out of the waterbody and into the infrastructure of a drinking water treatment facility? Would this change mean that treatment facilities are now obligated to submit water quality reports to an agency to determine compliance with some aspect of these proposed changes?

Further, it is unclear to us what the implications would be if a facility failed to meet the domestic water supply surface water quality standards post treatment. Does this proposed change blur the line between Clean Water Act enforcement and Safe Drinking Water Act enforcement? Does this change now require DEQ (or EPA) to undertake water quality sampling at the tap in peoples' homes?

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To help us understand how this would potentially work, we ask that DEQ provide for us with an Idaho DEQ related example of an instance where compliance with standards related to a beneficial use are gauged outside of the waterbody.

We fear that a potential implication of this change might be that it would render meaningless water quality standards based on domestic water supply as a beneficial use. If compliance with the standards is to be gauged post treatment, then virtually any amount of pollution in stream – no matter how foul – can be overcome out-of-stream by installing some form of bells and whistles drinking water treatment plant. Thus the quality of the water in stream is completely irrelevant to the quality of the water post treatment.

We are unsure how this might affect determination of the 303d status of a waterbody. Would streams be deemed 303d for relevant domestic use water quality standards in stream if an out-of-stream drinking water treatment plants failed to meet the relevant domestic water quality standards? And if so, what would the implication for this listing be? How would a TMDL be developed – and would the TMDL focus on the reduction of in stream pollutants or on out-of-stream treatment options?

We are also unsure how this change will affect the development of water quality standards related to the beneficial use of domestic water supply. Will future standards be based on impacts to human health – or on the availability of treatment technology?

Given our confusion over the implications of this proposed rule change, we would like to ask DEQ to hold another rulemaking meeting so that there can be further dialog about this matter. After another meeting, it might be relevant to open an additional public comment period.

Please do not hesitate to contact me at 208-345-6933 ext. 24 or jhayes@idahoconservation.org if you have any questions regarding our comments on this.

Sincerely,



Justin Hayes
Program Director