

2023 Triennial Review of Idaho Water Quality Standards



State of Idaho
Department of Environmental Quality
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Prepared by

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1 Background

The goal of the 2023 triennial review was to meet Clean Water Act (CWA) requirements by engaging stakeholders and identifying priorities for water quality standards (WQS) rulemaking and subprogram development for the next 3+ years.

Section 303 of the CWA requires states to modify and improve their water quality standards (WQS) at least once every three years. Under this triennial review process, states are to review, modify, and adopt applicable WQS, taking into consideration public concerns, US Environmental Protection Agency (EPA) guidance, and new scientific and technical information.

The CWA requires states to adopt EPA’s recommended criteria or develop their own and routinely review and update WQS to ensure consistency with the act’s requirements. Specifically, §303(c)(1) states the “...State shall from time to time (but at least once each three year period...) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards.” This public review period is referred to as the triennial review.

2 Public Involvement

DEQ provided opportunities for public participation by publishing four water quality standards issue papers for public review and hosted one hybrid workshop.

2.1 Public Workshops

DEQ hosted a public workshop to communicate triennial review requirements, propose issues for prioritization, and solicit feedback from stakeholders. The information presented at the meeting is available at <https://www.deq.idaho.gov/water-quality/surface-water/water-quality-standards/> under the Triennial Review drop down.

The public workshop was held on August 29, 2023, in person at the DEQ State Office, and online via Microsoft Teams. The list of attendees can be found in Appendix A.

2.1.1 Issues Identified by DEQ

DEQ identified, through an internal statewide survey, and previous triennial reviews, four water quality standards issues and developed white papers and workshop presentations discussing these issues. Issue papers are available at <https://www.deq.idaho.gov/water-quality/surface-water/water-quality-standards/> under the Triennial Review drop down.

A summary of each issue paper is provided in Table 1.

Table 1. Summary of water quality standards issue papers published by DEQ.

Subject	Summary of Issue Paper
#1. Review of Bucktail Creek and Blackbird Creek UAAs	This issue paper reviews the past actions on the Bucktail and Blackbird creeks, the subsequent UAAs, and the last UAA reviews. The paper is an introduction to the upcoming UAA reviews that will evaluate new data for the sites to evaluate whether designated uses can be restored.
#2. Considering EPA §304(a) Recommended Aquatic Life Criteria for Ammonia	DEQ will review current surface water quality ammonia criteria for aquatic life use designations (IDAPA 58.01.02.250), in comparison with updated EPA §304(a) ammonia criteria recommendations from 2013.
#3. Addressing Environmental Justice in Idaho	DEQ is reviewing potential opportunities to incorporate environmental justice through TMDL prioritization and expanded community engagement and outreach.
#4. Considering Draft EPA recommended § 304(a) criteria for Perfluorooctanoic acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS)	EPA has published draft §304(a) recommended criteria for Aquatic Life Use Designations for PFOA and PFOS. Aquatic life criteria for PFOA and PFOS in other states were reviewed and compared to the draft criteria. DEQ will evaluate the appropriateness of these criteria for Idaho and consider initiating a monitoring study to analyze levels in Idaho surface waters.

Other issues identified during the triennial review process that were not captured in an issue paper include:

- A letter from EPA Region 10 requesting to remove the low-end hardness floor on hardness dependent metals criteria equations in Idaho Water Quality Standards 58.01.02.
- EPA also recommends that DEQ review available data and, if appropriate, initiate the rulemaking to designate salmonid spawning in the specified segments of the Snake River from the NMFS 2019 Biological Opinion.
- Lake nutrient thresholds development: DEQ is currently investigating methodologies for tracking nutrient inputs into lakes and large rivers and expanding the program for reducing nutrient loads into waterbodies.

2.1.2 Summary of Workshop Comments Received

DEQ solicited written comments on materials presented at the workshop, published issue papers, and other water quality standards issues. The written comment period deadline was September 26, 2023. DEQ received comment letters from two submitters. The complete letters are available at <https://www2.deq.idaho.gov/admin/LEIA/index.html?view=folder&id=160> and summarized in Appendix B.

3 Water Quality Standards Priorities

Based on comments received, DEQ proposes the following priorities for updates to Idaho Water Quality Standards.

3.1 High Priority

DEQ intends to address the following high-priority items in 2024:

- Produce updated reviews of Bucktail Creek and Blackbird Creek UAAs.
- Review potential opportunities to incorporate environmental justice through TMDL prioritization and expanded community engagement and outreach.

3.2 Medium Priority

DEQ intends to address the following medium-priority items in 2025:

- Initiate monitoring survey development for ammonia.

3.3 Low Priority

The following issues are considered low priority and will not be addressed until 2026 or beyond:

- Consider Draft EPA recommended § 304(a) criteria for Perfluorooctanoic acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) and conduct a study evaluating present levels in Idaho surface waters.

Appendix A. August 29, 2023 Public Workshop Attendee List

Conference Rooms A&B DEQ State Office, Boise, Idaho and

Teams Virtual Meeting

Name	Affiliation
Doug Durbin	Brown and Caldwell
Kate Harris	City of Boise
Kerry Mierau	SLR Consulting
Loren Franklin	KC Harvey Environmental
Mary Alice Taylor	Association Of Idaho Cities
Ryan Knutzen	City of Boise
Stacy Villanueva	Private Citizen
Tom Dupuis	HDR
Will Tiedemann	Idaho Conservation League
Jason Pappani	EPA Region 10

Appendix B. Summary of Comments Received

2023 Triennial Review Response to Comments Received:

Commenter 1 – Idaho Conservation League (ICL)

Commenter 2 – EPA Region 10

Comment	Rule Section / Subject Matter	Commenter	Comment Summary	Response
1.	Bucktail and Blackbird Creeks UAA Reviews	1	Given the limited resources available to DEQ for Triennial Review, we are curious how DEQ might weigh the practical benefits of selecting a UAA of Bucktail and Blacktail Creeks as a 2023 Triennial Review project. What are the practical results of a UAA Review (if it shows the sites supporting/still not supporting)?	It is a requirement in the Clean Water Act that DEQ conducts reviews of sites where UAAs that have removed designated uses every three years, with the intention that if the sites have improved enough to have designations restored, a process would be initiated to do that. If it is still not appropriate to re-assign designated uses, no action will be taken.
2.	Bucktail and Blackbird Creeks UAA Reviews	1	If a UAA shows it is still not appropriate to assign beneficial uses to Bucktail and/or Blackbird Creek, would this action push the EPA to adjust their management of the Blackbird Site?	EPA has their own review process, including ongoing monitoring and 5-year reviews, which inform the progress of the restoration process while our UAA review is simply a reflection on the current status of the creeks as it relates to designated uses.
3.	EPA §304(a) Recommended Aquatic Life Criteria for Ammonia	2	This was identified as a high priority in the previous (2020) triennial review. EPA urges DEQ to adopt EPA's current ammonia criteria recommendations during the 2023 triennial review without a further delay.	Progress on the adoption of the recommended aquatic life criteria for ammonia was stemmed due to various factors including redirection of priorities due to the ZBR executive order (Executive Order 2020-01). DEQ is reprioritizing this issue once the ZBR order sunsets in 2025. We hope to begin the process evaluating the economic impact of 304(a) criteria and possible negotiated rulemaking in the next few years.

4.	Subsistence Fishing Use Designation	2	EPA reiterates its recommendation, as provided in a letter dated April 1, 2022, to DEQ, that DEQ evaluates whether revisions to Idaho's water quality standards, such as a subsistence designated use and associated human health criteria, where applicable, are needed to protect tribes exercising their treaty-reserved subsistence fishing rights in Idaho.	Idaho's recreation use considers fishing but not any particular level of harvest. Tribal members were considered both through inclusions in Idaho's fish consumption survey and through a separate tribal survey. Data from Idaho and tribal fish consumption surveys, coupled with Idaho's risk management decisions, provide a level of protection to include high-end consumers of fish, including tribal members. We believe Idaho's criteria provides a high level of protection for all fish consumers.
5.	Low Hardness Floor	2	EPA urges DEQ to identify as a high priority rulemaking to remove the low-end hardness floor on the hardness dependent metals criteria equations in Idaho's WQS at IDAPA 58.01.02.	DEQ will consider removing the low-end hardness floor for hardness dependent metals criteria calculations.
6.	Salmonid Spawning Designation for Snake-Asotin		As stated by NMFS in the 2019 Biological Opinion, and consistent with DEQ's commitments as part of the 2023 Water Quality Environmental Performance Partnership Agreement (PPA), EPA recommends that DEQ review available data and, if appropriate, initiate the rulemaking to designate salmonid spawning in the specified sections of the Snake River.	In 2022 we started negotiations with EPA, NOAA, and DFW regarding a biological evaluation (BE) in response to aquatic life temperature standards previously submitted to EPA., DEQ proposed several conservation measures in the BE, including addressing designations in the Snake-Asotin area. DEQ is therefore addressing this through conservation measures which was included in the draft BE.
7.	EPA §304(a) Recommended Aquatic Life Criteria for Ammonia	1	ICL supports including this topic within 2023 Triennial Review projects.	Thank you for your comment.

8.	Draft EPA aquatic life criteria for PFOA and PFOS	1	ICL supports including this topic within 2023 Triennial Review projects.	Thank you for your comment.
9.	Environmental Justice and Fish Consumption Rate	1	The environmental justice Issue Paper published by DEQ in association with the 2023 Triennial Review process does include encouraging statements around grant opportunities, assessment tools, and outreach to address issues. However, we ask DEQ to revisit and appropriately setting the fish consumption rate for human health criteria in consideration of tribal consumption rates.	Human Health Criteria (HHC) were developed using the EPA Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000). The EPA guidance states that “EPA believes that both 10 ⁻⁶ and 10 ⁻⁵ may be acceptable for the general population and that highly exposed populations should not exceed a 10 ⁻⁴ risk level.” Other parameters for criteria calculation were also updated during the human health criteria and fish consumption rate rulemaking (58-0102-1201), including an increase in mean body weight and updated IRIS RfDs for numerous contaminants. Additionally, Idaho’s state-specific fish consumption survey considered three high end consuming groups within the general population: Idaho resident anglers, the Nez Perce Tribe and the Shoshone-Bannock Tribes. Our survey of the general population included these members of Idaho’s Tribes. Moreover, the consumption rate is based on Nez Perce Tribal exposure to contaminants in fish and water. DEQ believes the 10 ⁻⁵ risk exposure and fish consumption rate used in human health criteria development provides a high level of protection for all fish consumers In Idaho.