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April 23, 2014

Paula Wilson
IDEQ State Office
Attorney General's Office
1410 N. Hilton
Boise, ID 83706
Via Electronic Mail: paula.wilson@deq.idaho.gov

Re: Docket No. 58-0102-1201 – Negotiated Rulemaking: Probabilistic Risk Assessment

Dear Ms. Wilson:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide comments to the Idaho Department of Environmental Quality (IDEQ) on the negotiated rulemaking process currently underway to evaluate fish consumption rates and the protectiveness of Idaho's existing water quality standards. NACWA is a national trade association representing the interests of nearly 300 public wastewater treatment utilities across the United States, including four utilities in Idaho. NACWA's members collectively treat and reclaim the majority of the wastewater generated each day nationwide.

The facilities managed by NACWA's members must operate pursuant to Clean Water Act permits that often include effluent limits based on water quality criteria developed for the protection of human health. Given that IDEQ's ongoing efforts may serve as a precedent for how human health criteria issues are addressed in other states, NACWA is interested in providing some national perspective. In particular, NACWA is interested in IDEQ's consideration of Probabilistic Risk Assessment (PRA) for toxics criteria derivation and the benefits it may provide Idaho and other states struggling with the same issues.

Based on our understanding of PRA and the alternatives for criteria derivation, NACWA strongly supports the use of PRA methods. The PRA approach was presented at IDEQ's rulemaking meeting on April 2, 2014, by Dr. Paul Anderson of ARCADIS. PRA is a technically-sound approach that represents the best science available for assessing risk. It provides greater certainty concerning the actual level of risk for a wide range of the population, including subpopulations with higher risk

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factors, than current deterministic approaches. It also allows for a more-informed and transparent risk management decision, meaning that all interested parties will be better able to provide effective input into the process.

PRA methods represent a significant technical advance that more states should consider as they review and update their human health criteria. PRA methods demand careful consideration given the more transparent and improved risk estimates they provide to states, EPA, stakeholders, and the public. PRA does not, however, address all of the issues associated with the development of scientifically-defensible criteria. Even using PRA, the criteria for some pollutants will be very low and possibly unattainable and there will remain a critical need for rational implementation policies and tools.

NACWA appreciates the opportunity to submit these comments. Please contact me at 202/833-9106 or chornback@nacwa.org with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hornback", written in a cursive style.

Chris Hornback
Senior Director, Regulatory Affairs