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IdahoWest

Suit seeks new water protection

The Idaho Conservation League wants the EPA to craft pollution plan or force the state to do it.

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The lawsuit accuses Idaho of operating for 40 years without a formal plan for implementing antidegradation rules, a key component of the Clean Water Act adopted by Congress in the 1972.

The Idaho Conservation League specifically blames the state and the Environmental Protection Agency for neglecting to develop the

framework needed to enforce rules designed to protect lakes, rivers and streams from incremental pollution that can significantly harm state waters over time.

“What we’re asking here is for the EPA to step in and write a regulation that protects Idaho’s water quality ... and prevent the slow decline in the health of rivers, lakes and streams,” said Justin Hayes, program coordinator for ICL.

EPA spokesman Mark McIntyre declined to comment, citing the agency’s policy against making statements on pending litigation.

Messages left for Idaho DEQ officials and agency attorneys were not immediately returned.

The state is in the process of writing an antidegradation implementation plan, and water quality officials are hosting a meeting Thursday on developing the rules needed to enforce the plan. But Hayes contends the initial draft is flawed and contains loopholes that fail to adequately protect waters from gradual degradation.

The federal Clean Water Act requires states to develop their own antidegradation policy, but the law also

gives the EPA the authority to step in when states fail to act.

The lawsuit accuses the EPA of shirking its statutory duty.

The lawsuit also comes at a time when the DEQ is dealing with budget cuts that have forced the agency to suspend for a second consecutive year its water quality monitoring programs. Those routine testing programs help environmental officials detect pollution levels and public health threats and track data used to developing pollution trading policies.