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Idaho Conservation League

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April 1, 2015

Paula Wilson
DEQ State Office
Attorney General's Office
1410 N. Hilton
Boise, ID 83706

Submitted via email: paula.wilson@deq.idaho.gov

Re: Idaho Conservation League Comments re Idaho Pollutant Discharge Elimination System Program: Docket No. 58-0125-1401 - Negotiated Rulemaking. Public Comment period #3

Dear Ms. Wilson;

Since 1973, the Idaho Conservation League (ICL) has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality, fisheries and the health of Idaho residents. The issuance of NPDES permits is critical to protecting and restoring water quality in Idaho. Idaho's effort to obtain primacy over discharge permits issued within its borders has the potential to significantly affect water quality in Idaho.

ICL appreciates the opportunity to review draft #3 of DEQ's proposed rule language – regarding section 200 through 310.

Section 301.20 proposes to add language allowing the DEQ to include provisions in IPDES permits that would allow compliance with water quality based effluent limits to be achieved through pollutant trading.

Current DEQ guidance on this matter is not binding and has not been reviewed and approved by the EPA. We believe that these IPDES rules need to include significantly more details regarding how pollutant trading would operate in an the IPDES. Absent additional information about how pollutant trading might operate within an IPDES permit, it is impossible to determine if this inclusion is more, or less, stringent than the existing federal language.

302.09.d proposes to include unique Idaho language providing a means of utilizing

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injection wells as a means of disposing of municipal and industrial wastewater. This provision seems to incorporate a provision that is not found in the federal NPDES rules. Bringing such a provision into Idaho's IPDES rules seems to run afoul DEQ's charter to not draft rules that are less stringent than current federal rules.

Please contact me if you have any questions at 208-345-6933 x 24
or jhayes@idahoconservation.org

Sincerely,



Justin Hayes
Program Director

