

| Comments and Response Table <i>DEQ Responses italicized</i> | | |
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| 07/17/2015 City of Boise | | |
| <i>DEQ appreciates the following comments from the City of Boise. However, because they were received after the official public comment period (received from the City of Boise 7/17/2015), which ended on 7/6/2015, the City's comments and responses will not be included as part of the official comment record submitted to EPA. However, DEQ will post these comments and responses to the LBR webpage.</i> | | |
| Comment # | Section | Comment |
| 1 | General | <p>The City appreciates the excellent work IDEQ has done over the course of the Lower Boise draft TMDL, including but not limited to data collection, USGS study, AQUATOX modeling workgroup, Technical Advisory and Watershed Advisory group meeting and processes, and the openness and transparency of the AQUATOX modeling and TMDL development process. The public documentation of data, questions, concerns, responses, and decisions during the AQUATOX and draft TMDL development process was exemplary.</p> <p>The resulting draft Lower Boise Total Phosphorus TMDL a significant effort and generally well constructed.</p> <p>The City has a limited number of comments to improve the draft and move the document to the point that it is ready for submission to EPA for review and approval and implementation.</p> |
| <i>Thank you for your comment.</i> | | |
| 2 | General | <p>The draft TMDL provides the technical basis for the need for monthly limits proposed for point sources. The modeling resulted in allocations for monthly total phosphorus discharges. The draft TMDL however, proposes monthly and weekly NPDES limitations without providing the technical justification for the weekly limitations.</p> |
| <i>DEQ does not allocate weekly TP limits in the TMDL. DEQ intends that wasteload allocations are to be expressed as average monthly limits, with higher weekly average limits based on the coefficient of variation, in the NPDES permits. DEQ removed</i> | | |

language from tables in the TMDL referring to weekly limits.

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EPA^{2 3 4} and Idaho⁵ have provided guidance concerning TMDL development requirements, including allocation methods and considerations. EPA and state guidance identify a number of factors, including technical feasibility, cost effectiveness, affordability, relative contributions, equity, trading, and the likelihood of success, to develop the most effective allocation strategy

a. Cost Considerations

b. Trading:

c. Additional Environmental Benefits

- *During the initial implementation planning each source will investigate alternatives and feasibility for meeting individual allocations. During this time, economic impacts will be considered on a case by case basis.*
- *DEQ supports trading between point and non-point sources. Trading between point and non-point sources is also consistent with EPA's 2003 Trading Guidance. DEQ believes the safeguards for trading are in place within our 2010 Water Quality Pollutant Trading Guidance, and have been working to update it as a Water Quality Pollutant Trading Guidance "pilot" that integrates the necessary tracking, verification, and oversight we believe ICL may be concerned with. Actual trades will be fully vetted and must be consistent with a Trading Framework or individual trading plan as appropriate. Trades are also subject to review through the NPDES permit and DEQs 401 water quality certification with the result being a net environmental benefit to the water body/watershed. To be clear, the burden of a trade between the point and non-point source is squarely upon the point source who must ensure that the credits generated that are eligible to be purchased are real, reliable and verifiable on the ground and available during the time frame that the purchaser needs them. Trading between point and non-point sources is the key to accelerating clean-up of watersheds in many locations because non-point source compliance remains voluntary under the Clean Water Act. Trading helps incentivize action and participation for early adopters. Phased baselines will further help "ratchet up" getting to clean water for Lower Boise watershed.*
- *In the development of this TMDL every effort was made to obtain the best available information pertinent to the loading analysis, while still considering the time constraints and limited resources for collecting additional data. The complexity of conducting additional environmental benefits as discussed in your comment for this watershed would require a much more extensive analysis in order to align well with the current modeling approach.*

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| 4 | General | <ul style="list-style-type: none"> Given the new retain on site requirements in the Boise/Garden City Phase I permit, improved post construction measures, and voluntary removal of phosphorus from residential fertilizer, we anticipate the existing permit conditions will satisfy the 42% reduction goal for MS4s and encourage the state to add text to the final TMDL that recognizes the significant effect of the residential phosphorus removal and the implementation of multiple pre and post construction BMPs will have on phosphorus loads to the Boise River and that measurable, objective BMPs are likely able to achieve the WLA and should be the permit requirements that are included in Lower Boise watershed MS4 permits. The stormwater loads appear to be overestimated for both summer and winter season. |
| <p><i>The load allocations in the TMDL are simply the amounts of pollutants that can be discharged from each source category, but the TMDL does not specify how the discharges must attain their particular load allocation, particularly the TMDL does not define what is to be written in the MS4 permits. The waste load allocations will be best implemented through an existing regulatory program such as an NPDES program.</i></p> <p><i>No change was made to the stormwater flows and loads. DEQ received the seasonal total flows and loads from the stormwater workgroup. DEQ acknowledges that the stormwater system is complicated and that further characterization is needed. The uncertainty related to the stormwater data needs to be addressed through the TMDL implementation monitoring and mapping, etc.</i></p> <p><i>The stormwater workgroup provided DEQ with the wet weather and dry weather loads, which is what DEQ used to calculate flows. DEQ recognizes that additional mapping and monitoring is needed to further characterize stormwater. The loads provided by the stormwater workgroup were used as a best estimate, based on the data available at the time this TMDL was being developed.</i></p> | | |
| 5 | | <p>When a TMDL is developed for waters impaired by both point and nonpoint sources, and the WLA is based on an assumption that nonpoint source load reductions will occur, EPA's 1991 TMDL Guidance states that the TMDL should provide reasonable assurances that nonpoint source control measures will achieve expected load reductions in order for the TMDL to be approvable. This information is necessary for EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement water quality standards.</p> |
| <p><i>Thank you for your comment. In the development of this TMDL every effort was made to obtain the best available information pertinent to the loading analysis, while still considering the time constraints and limited resources for collecting additional data. Additional data gathering will be</i></p> | | |

an integral part of the implementation of this TMDL and will be used for future refinements of loads and implementation schedules. Additionally, the WLAs will be assessed during the 5-year review.