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January 25, 2016

Paula Wilson  
Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706

(filed by email to [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov))

RE: Association of Idaho Cities Comments on Idaho Pollutant Discharge Elimination System (IPDES) Guidance  
Docket No. 58-0125-1401

Dear Ms. Wilson,

The Association of Idaho Cities (AIC) was founded in 1947 and is a nonpartisan, nonprofit corporation owned, organized, and operated by Idaho's city governments. The organization serves to advance the interests of the cities of Idaho through legislative advocacy, technical assistance, training and research. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Councilmember Elaine Clegg.

Idaho cities play an important role as the primary implementers of the Clean Water Act and have a significant interest in the development and implementation of the IPDES program and associated guidance document. IDEQ requested input concerning the first two chapters of the Guidance, Clean Water Act History and Small Municipal Separate Storm Sewer Systems. Please see the attached comments on the Guidance.

AIC appreciates the opportunity to participate and comment on this important IPDES Guidance document and looks forward to working with our state and federal partners and other stakeholders to develop and implement a complete and rigorous IPDES program to protect aquatic life, human health, and the environment.

Should you have questions concerning our comments, please feel free to contact me.

Sincerely,



Seth Grigg

Executive Director

Cc: Elaine Clegg, AIC Environment Committee Chair

## AIC Comments on January 5, 2016 IPDES Guidance Meeting

### **1. IPDES reapplication:**

IPDES applications will need a completeness determination and potentially additional information from the applicant. IPDES permits must be complete to allow administrative extension of an existing permit that has expired.

AIC suggests the rules and guidance provide sufficient time for IDEQ to review and conduct a completeness review, including time for IDEQ to request and the applicant to provide additional data or information.

Setting the required reapplication date at the minimum federally required timeframe, 180 days prior to expiration of the permit, does not provide IDEQ time for a completeness determination, or to request the applicant to provide additional data or information.

The IPDES Rule and the User Guide should request the reapplication with sufficient time for IDEQ to conduct and communicate the results of IDEQ's completeness review and time for applicants to submit additional data or information to make the application complete.

### **2. 2014 WRRDA:**

The issue list includes the Water Resources Development Act of 2000 discussion for additional analyses for municipalities seeking State Revolving Loan Funds (SRF). The correct citation for the changes to the Clean Water Act is the Water Resources Reform & Development Act of 2014 (e.g. additional analysis required for energy efficiency, alternative technologies, and other environmental impacts for facilities seeking SRF funds).

### **3. Small Municipal Separate Storm Sewer System (MS4) Chapter:**

The draft Small MS4 chapter does a very good job of providing rationale and a logic diagram for what facilities may be subject to MS4 permittee obligations and should be considered permittee candidates except for small municipalities within Ada County. The chapter should include a new section that is specific to Ada County, due to the county-wide highway district, for potential small municipality inclusion as an MS4 permittee.

### **4. Clean Water Act Affordability and Integrated Planning:**

The Clean Water Act contains implementation guidance and policy concerning Affordability and Integrated Planning. The Clean Water Act history should include mention of the Affordability Guidance documents and the 2013 U.S. Conference of Mayors document and Integrated Planning policies and examples, some of which are very recent.

In addition, AIC recommends an entire section within the guidance devoted to Affordability and Integrated Planning, including a description of how it will be incorporated into the IPDES program and permitting process.

States also have the ability to develop and implement state-specific affordability criteria, which might be a useful future guidance development topic that should be considered with other additional guidance development priorities. Idaho should carefully evaluate the priority for development of Idaho specific affordability criteria to address the wide range of financial capacities for municipalities statewide.