



**Association of Idaho Cities**  
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AIC comments on Sections 5 and 6 of the IPDES Users' Guide

April 8, 2016  
Troy Smith IDEQ Rules and Guidance Coordinator  
Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706

Re: Association of Idaho Cities Comments on Sections 5 and 6 of the IPDES Uses' Guide

Dear Troy,

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 of rules and guidance for the Idaho Pollutant Discharge Elimination System permit program. AIC recognizes that the Clean Water Act anticipated states as the primary implementers of the Act and is on record as supporting development of an EPA approved IPDES Application. AIC has developed comments that are included in the body of this letter for consideration by the Idaho Department of Environmental Quality.

AIC supports the incorporation of mixing zones to restrict areas where numeric criteria may be exceeded to known and controlled locations and to reduce the requirement for excessive wastewater treatment. In determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric water quality standard, the permitting authority shall use procedures which account for...where appropriate, the dilution of the effluent in the receiving water (40 CFR 122.44(d)(1)(ii)).

AIC recommends that specific language regarding effluent limits and calculations included in Chapters 5 and 6 be stated more generally and instead refer to the WQBELs document. Section 5 should note that WQBELs may include consideration of seasonal and/or flow tiered limits, although again, the detailed language and methods should be addressed in the WQBELs document.

Section 5.1.3 (Monitoring and Reporting Requirements) includes the requirement for DMR data to be submitted using EPA's NetDMR. AIC recommends the addition of a waiver for NetDMR if NetDMR cannot be modified to accurately document permit limits and compliance.

Section 5.5 (Issue Final Permit Limit) states that, "a final permit decision becomes effective 28 days after notice of the decision unless a later effective date is specified in the decision, or a Petition for Review is filed with DEQ." AIC recommends that NPDES permits become effective on the first day of a month to avoid split month DMR reporting requirement issues.

Chapter 6 often uses language more appropriate for general permits rather than the Notice of Intent. AIC recommends making language consistent throughout Chapter 6.

AIC recommends IDEQ consider making the general permit evaluation process outlined in Chapter 6 more general. In many states, a general permit is one permit that covers facilities that have similar operations and type (or categories) of discharge. A general NPDES permit is a potential alternative to an individual NPDES permit and affords coverage to new and existing dischargers that meet the eligibility criteria given in the general permit without having to complete a reasonable potential and WQBELs analysis for each, individual, applicant.

Please feel free to contact me if you have any questions concerning AIC's comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'Seth Grigg', written over a white background.

Seth Grigg  
Executive Director

Cc: Elaine Clegg, AIC Environment Chair