



Association of Idaho Cities
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June 16, 2016

Troy Smith
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

filed by email to Troy.Smith@deq.idaho.gov

RE: AIC Comments on Sections 1-8 and 10-11 of the DEQ IPDES User's Guide

Dear Mr. Smith,

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 related to the Idaho Pollutant Discharge Elimination System permit program.

IDEQ requested input concerning Sections 1-8 and 10-11 of the proposed IPDES User's Guide. AIC's comments are included as an attachment to this letter.

AIC appreciates the opportunity to comment on the development of the IPDES User's Guide and looks forward to working with our state partners in the development of this important resource for city officials. 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



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Section 8.2.1 Thermal Discharge-CWA Section 316(a) Variance: This section provides a couple of short introductory paragraphs and then several subsections regarding applications and public notices. AIC has two comments on this section:

- The section is missing an important aspect of EPA's regulation [40 CFR 125.73(c)] and EPA's 2008 Guidance Memorandum. Specifically, the part that existing dischargers may base the 316(a) demonstration on absence of prior appreciable harm in lieu of predictive studies. AIC recommends that DEQ add a new subsection or include this in the introductory section that summarizes the absence of appreciable harm option for the variance demonstration. This will be important for users of the guide to be aware of in relation to this variance.
- Section 8.2.1.1 identifies the early screening process and information. AIC requests that this subsection also inform the user of the guide that 40 CFR 125.72(f) requires that if an applicant desires a ruling on the variance request before the ruling on any other necessary permit terms and conditions, it must request this upon filing of its application along with submittal of the early screening information.

In the context of reviewing Section 10.2.4 regarding combined sewers and sanitary sewer overflows, we also reviewed the related sections 3.2.3.5 and 3.2.3.6. AIC has the following comments on these sections:

- Section 3.2.3.5 Combined Sewer Systems: AIC wonders if this section and other CSO related sections are needed, given that Section 10.2.4.1 notes that there are no known combined sewer systems in Idaho. If these sections are retained, AIC recommends removing the sentence "Most communities with CSS problems have fewer than 10,000 people." This does not seem to be an accurate statement because there are a number of large cities in the U.S. with CSS, and extent to which they have "problems" is subjective.
 - Section 3.2.3.6 Sanitary Sewer Overflows: This section contains the following sentence: "SSOs are a prohibited discharge under the CWA, with a goal of zero events and strict associated liability. SSOs have a variety of causes including severe weather, improper system operation and maintenance, and vandalism." AIC's comment on this statement is that it alone does not provide a complete or accurate picture of the various causes of SSOs. What is missing is that contributions to the sewer system, like sanitary wipes; fats, oil and grease; etc., as well as root intrusion, structural degradation, and capacity limitations all potentially contribute to sewage spills. The way the text is written now it sounds like operator error is a major cause of spills and that is not the case with most systems. AIC recommends that these other, generally more common, factors also be included in this subsection.
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