



**Association of Idaho Cities**  
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November 28, 2016

Troy Smith, IPDES Rules Coordinator  
Idaho Department of Environmental Quality  
1410 N Hilton  
Boise, ID 83705

Re: IPDES Effluent Limit Development Guidance (ELDG ) Sections 1 – 3 and Workgroup Topics

Dear Mr. Smith/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. 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 IPDES rules and guidance. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Councilmember Elaine Clegg.

The Idaho Department of Environmental Quality (DEQ) is developing a program to address water pollution by regulating point sources that discharge pollutants to waters of the United States. DEQ presented a revised Outline, revised Sections 1 and 2, and a new Section 3 at a meeting held on November 15th, 2016. Our comments are included in spreadsheet form as an attachment to this letter.

In addition to the specific comments, we are also providing draft a matrix of water quality topics for workgroups discussion. We recommend that the IDEQ discuss the workgroups topics and the opportunity to participate in future workgroups during the next stakeholders meeting, now scheduled for January 19<sup>th</sup>, 2017.

AIC appreciates the opportunity to comment on the development of the IPDES program and looks forward to working with our state and other 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,

A handwritten signature in black ink, appearing to read "S. Grigg".

Seth Grigg

Executive Director

cc: Elaine Clegg, AIC Environment Committee Chair  
Johanna Bell, AIC Policy Analyst  
Tom Dupuis, AIC Environmental Consultant

Topic	Agency	Municipal	Industry	Environmental	Other
<b>UNCONVENTIONAL</b>					
Water temperature	DEQ				AIC
pH					
<b>NUTRIENTS</b>					
Nutrient permitting	DEQ				AIC
<b>TOXICS</b>					
Ammonia	DEQ				AIC
Human health criteria					
Toxics					
Other: PPCPs, etc.					
<b>OPERATIONS</b>					
Blending, bypass, filtering	DEQ				AIC
Monitoring	USGS?				
Laboratory & Data Analysis methods					
<b>INNOVATIVE APPROCHES</b>					
Reuse	DEQ				AIC
Integrated watershed planning & permitting					
Water quality trading					
Implementation tools					
<b>OTHER</b>					
Nondegradation	DEQ				AIC
Anti-backsliding					

Effluent Limit Development Guidance (ELDG)

Comments for November 15, 2016 Meeting

Comment Date	Commenter	Comment No.	Section	Page	Topic	Comment	References
22-Nov-16	AIC, Meridian	1	1. Introduction	1	DEQ's Leadership for the IPDES Process	The guidance should retain statements that the purpose of the IPDES ELDG Guidance is to "define the requirements for permits in Idaho." Also include: "This guidance integrates state and federal law, state and federal regulation and DEQ implementation policies. Restate one of the objectives of IPDES is gaining access to permit writers and other staff with local experience and knowledge and experiencing a streamlined timeline for issuing permits. Meeting these objectives will require guidance documents that are also specific to Idaho."	
22-Nov-16	AIC, Meridian	2	1. Introduction	1	Introduction	Comment: Reconsider the division of materials in Volume 1 (permit writer) and Volume 2 (permittee). DEQ's October thoughts were to push guidance topics to Volume 2 that are relevant to both the permit writer and permittee. Potentially such topics, such as reporting, interpreting and analyzing data that are common to both the permit writer and permittee should be in a Volume 3. DEQ should consider how to address topics that are not exclusive to permit writer or permittee.	
22-Nov-16	AIC, Meridian	3	1.3	2	Relationship to Existing Rules and Guidance	Recommend adding watershed permitting reference to the text and/or bullet list.	<a href="https://www3.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf">https://www3.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf</a> ; <a href="https://www3.epa.gov/npdes/pubs/watershed_techguidance.pdf">https://www3.epa.gov/npdes/pubs/watershed_techguidance.pdf</a> ; <a href="https://www3.epa.gov/npdes/pubs/watershed-permitting-policy.pdf">https://www3.epa.gov/npdes/pubs/watershed-permitting-policy.pdf</a> ; <a href="https://www.epa.gov/sites/production/files/2015-10/documents/integrated_planning_framework.pdf">https://www.epa.gov/sites/production/files/2015-10/documents/integrated_planning_framework.pdf</a> ; <a href="https://www.epa.gov/sites/production/files/2015-10/documents/municipal_fca_framework.pdf">https://www.epa.gov/sites/production/files/2015-10/documents/municipal_fca_framework.pdf</a> ; <a href="https://www.epa.gov/sites/production/files/2015-10/documents/memoiratedmunicipalplans_0.pdf">https://www.epa.gov/sites/production/files/2015-10/documents/memoiratedmunicipalplans_0.pdf</a>
22-Nov-16	AIC, Meridian	4	2.1.1	4	Data Quality/Data Usage	<p>The final statement in section 2.1.1 Data Quality states that data that does not meet QAPP requirements can be used for compliance actions, as follows:</p> <p>"However, data generated under requirements of IPDES permits that do not meet programmatic IPDES QAPP requirements may still be used in compliance actions."</p> <p>This is in direct opposition to the requirement stated in the same section establishing that all data must meet the requirements specified in the QAPP.</p> <p>An effective QAPP will provide strong direction for identifying reasons for rejecting data based on valid, established quality assurance and quality control (QA/QC) acceptance criteria. Furthermore, an effective QAP will firmly establish how to document such rejections, including detailed information to include and where to record it (such as in the laboratory information management software, on analytical bench sheets, on finalized lab reports, on chain of custody forms, etc.). There is a real and legitimate need to be able to reject a data point when presented with valid, documented criteria that demonstrate that the data point is of questionable quality or generated incorrectly. There is always the human element in performing any analysis – and people make mistakes. Laboratories need to have a reasonable path to explain and document such mistakes and reject those values. A QAP plan is meant to protect the lab and plant from reporting these types of results, and to protect regulators from taking action based on misinformation.</p> <p>Suggestion: Provide additional detail to the statement to indicate that all data points that fail to meet quality assurance or quality control criteria will be examined with due diligence and consideration of the rationale cited for rejection prior to overriding that decision to use the data point in a compliance action.</p>	
22-Nov-16	AIC, Meridian	5	2.1.2	5	Data Issues	When data issues are identified, such as, no data, insufficient data, outdated TMDL, non-representative data, or data that did not meet quality objectives, then options should be provided to the permit writer to fill in such knowledge gaps through additional monitoring and/or other actions. Otherwise the permit writer is faced with determining whether to set limits, and if necessary what limits to set, based on a weak foundation of supporting evidence.	
22-Nov-16	AIC, Meridian	6					
22-Nov-16	AIC, Meridian	7	2.3.3	9	Data Assessment	This discussion should not be deleted from Volume 1 for the permit writer. This is valuable information that should be provided as guidance to the permit writer.	
22-Nov-16	AIC, Meridian	8	3.1	20	TBEs for Publicly Owned Treatment Works	Blindly developing limits based on performance data may have unintended consequences. This can be a disincentive for facilities to operate such that effluent concentrations are significantly lower than effluent limits realizing they will be penalized with even lower limits in the next permit, although they may not be able to maintain such performance given increasing population/industry and flows and loads. Guidance is necessary beyond just statistically evaluating the data but also integrating other factors related to long-term facility planning.	
22-Nov-16	AIC, Meridian	9	3.1	20	Technology Limits, Pretreatment, Local Limits	DEQ should reconsider the placement and depth and breadth of discussion on these topics. Currently some of the material is intertwined. Particularly local limits warrants a unique section with further explanation and discussion.	
22-Nov-16	AIC, Meridian	10	3.2.3.5		Guidance Consistency	Recommend marking this section as tentative and consider consistency between this topic and performance based limits for SOCs, variances, and potentially other topics.	
22-Nov-16	AIC, Meridian	11	4	58	Reasonable Potential to Exceed	Delete the section Conduct a RPA without Data	
22-Nov-16	AIC, Meridian	12	4	58	Water Quality Topics	The City of Meridian previous submitted (March 17, 2016) extensive comments regarding water quality topics to address with the IPDES program, particularly guidance. DEQ should review these comments and topics for inclusion.	
22-Nov-16	AIC, Meridian	13	Undefined		Under Facility Operations, Optimization, and Testing	A potential topic for Volume 2 is discussion on when and how permittees should communicate information to DEQ when DMR data may not be as expected, such as during optimization or process testing. Consider what notification is practical and appropriate.	
22-Nov-16	AIC, Meridian	14	4	58	Water Quality Topics - Workgroups	A matrix of water quality topics for workgroups discussion and potential entities to participate has been provided. Recommend sharing a similar matrix with potential participants at the January 19, 2017 stakeholder meeting, and ensuring the necessary workgroup meetings are conducted and discussion results are documented.	

