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Troy G. Smith
IPDES Rules and Guidance Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Submitted via email: IPDESGuidance@deq.idaho.gov

RE: Comments on IPDES User's Guide Volume 2 and Effluent Limit Development Guidance

Dear Mr. Smith:

Thank you for the opportunity to comment on the User's Guide Volume 2 and Effluent Limit Development Guidance (ELDG) documents for the DEQ's Idaho Pollutant Discharge Elimination System (IPDES) program.

Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality.

Our comments are attached to the end of this letter. Please do not hesitate to contact me at 208-345-6933 ext. 23 or ahopkins@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,

A handwritten signature in black ink that reads "Austin Hopkins".

Austin Hopkins
Conservation Assistant

RE: Idaho Conservation League comments on IPDES User's Guide Volume 2 and Effluent Limit Development Guidance

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IPDES Effluent Limit Development Guidance

Guidance for Category 3 Waters

As part of the preparation of an Integrated Report for Idaho water bodies, all water bodies must be classified into one of five categories. Category 3 – used for waters with insufficient data to determine if any beneficial uses are being met – is the most populated category in terms of stream miles for rivers and streams and the most populated category in terms of number of assessment units for lakes and reservoirs.

In light of this, it is likely that some permittees may seek to discharge into a water body that has insufficient data. The DEQ states that when possible, they will encourage dischargers to collect monitoring data before effluent limit development (Section 4.4.4). However, no guidance is provided on how proposed discharges will be handled if the necessary monitoring data is not collected prior to effluent limit development.

We suggest that the DEQ include language in this guidance document clarifying this issue. We recommend that the DEQ adopt the following policies. First, permits for any discharge into a category 3 water should include monitoring and data collection requirements in order to ascertain whether conditions relative to beneficial uses are being met. Second, in the absence of data, approved permits should include end-of-pipe effluent limits consistent with all criteria applicable to any potential beneficial uses present and the germane water body. Inclusion of this policy ensures that any potential beneficial uses are not unduly harmed due to a lack of knowledge regarding the current status of the water body. Permits could include language stipulating that different effluent limits may be imposed once thorough data collection and analysis has occurred.

Section 4.4.3.7.2 Temperature

As presently written this section does not provide any guidance to permittees seeking to discharge into a water body with an established temperature TMDL. DEQ should include language that clearly explains that a facility's effluent will be given a temperature waste load allocation that is consistent with any temperature TMDLs for the receiving water body.

Section 4.4.3.14.4 Background Hardness

This guidance document stresses that a correlation between hardness and flow is likely to exist, yet dischargers are instructed to only consider this relationship if data exists. While we understand that data limitations may occur, we believe it is prudent to utilize a default hardness value that ensures protection of all beneficial uses until such time that the necessary data is collected. Permits could then include language stipulating that a different hardness value that incorporates the effects of flow may be substituted in

calculation after thorough data collection and analysis has occurred.

Reasonable Potential Multiplying Factors

Table 28 in the guidance document contains multiplying factors to be used for the DEQ's reasonable potential analyses that provide a 95% confidence level and 95% probability basis. The DEQ's selected table is one of two options presented in the EPA's Technical Support Document for Water Quality-Based Toxics Control (TSD). The second option not shown in the DEQ's guidance document contains reasonable potential multiplying factors that provide a 99% confidence level and 99% probability basis. In the interest of protecting Idaho's water quality to the fullest extent, we recommend the DEQ include the more stringent table (Table 3-1 in TSD) which provides 99% confidence level and 99% probability basis for reasonable potential analyses.

IPDES User's Guide Volume 2

Section on Land Application of Effluent

Some publicly owned treatment works (POTW) in Idaho discharge effluent into a water body in conjunction with land application practices as a means to dispose of effluent. While this practice is currently not widely utilized throughout Idaho, it may become more appealing in the future due to more stringent waste load allocations placed on POTWs. In light of this, we believe it would be beneficial to permittees if the DEQ included a section outlining this specific scenario and any associated implications. It may be most appropriate to insert this information under section 2.2.4 Special Permit Conditions, Monitoring, and Special Studies.