



**Association of Idaho Cities**  
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June 19, 2017

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

Re: IPDES Effluent Limit Development Guidance (ELDG ) June 7<sup>th</sup>, 2017 Rulemaking Meeting

Dear Mr. Smith/Troy,

The Association of Idaho Cities (AIC) 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. AIC has submitted text material and comments over the past few months, including input regarding the establishment of effluent limitations for nutrients, temperature, toxics, and other effluent constituents and characteristics. AIC asserts that the input provided to date is fully consistent with the Clean Water Act, while preserving implementation flexibility necessary for the State of Idaho to achieve real environmental benefits.

AIC notes that the draft ELDG available for the June 7<sup>th</sup> meeting did not include or address a significant portion of AIC's previously submitted comments, as detailed in this letter's attachment. AIC is concerned that the input and material provided for the ELDG is not being utilized. AIC requests an opportunity to discuss our input and these un-resolved issues in-person with the DEQ Water Quality Division Administrator and staff. Please contact me at your earliest convenience to schedule an in-person meeting.

Sincerely,  
  
Seth Grigg

Executive Director

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

Attachment

Comments for Effluent Limit Development Guidance (ELDG)

Meeting Date	Comment Date	Commenter	Comment No.	Section	Page	Topic	Comment
7-Jun-17	19-Jun-17	AIC	1	3.7.1	125	Nutrients	AIC submitted text material to DEQ in February 2017 on this topic and it does not appear that any of that has been used or that DEQ plans to include it as appendix material. AIC believes that the information in the AIC text provides important insights into special considerations for nutrient permitting, AIC thus recommends that it be noted in the main text and included as an appendix.
7-Jun-17	19-Jun-17	AIC	2	3.7.1.2.2	127	Nutrients	Bullet 1 suggests permit writers investigate applicability of EPA Gold Book Values. There is no sound scientific basis behind the Gold Book criteria for phosphorus in particular as related to eutrophication effects in streams or rivers. AIC suggests that this bullet be deleted. DEQ has much better information available based on existing TMDLs around Idaho to develop more scientifically defensible criteria. See also Section 4.3 of the material submitted previously by AIC regarding nutrient permitting. This reinforces comment #1 above.
7-Jun-17	19-Jun-17	AIC	3	3.7.1.4	127	Nutrients	The section describes the use of a monthly WLA as a LTA and then conversion of the LTA to a AML. This approach is not totally clear, but suggests DEQ intends to use TSD statistical calculations to translate TMDL WLAs that have been set as monthly averages. AIC requests further dialogue with DEQ on this specific calculation process, as the TSD approach is generally not applicable to nutrients which are not toxics. AIC does support use of seasonal and annual limits for nutrients as described in the materials we previously submitted to DEQ on nutrient permitting. But the ways those limits can be calculated requires further detail and thought. Finally, this section addresses only monthly WLAs and these are not the only WLAs described in Idaho TMDLs. Thus, additional consideration is needed for that also.
7-Jun-17	19-Jun-17	AIC	4	3.7.2.3 & : 129		Temperature	These sections describe RPTE and effluents limits calculations that mirror those used for toxics using the TSD. AIC provided text material to DEQ in February 2017 on special considerations for temperature limits. A key point that AIC made is that temperature is not a toxic and conventional permitting approaches for toxics like the TSD are not appropriate. Also these sections do not mention the 316(a) approaches for thermal discharge permitting applicable to both industries and POTWs. Section 316(a) provides methods for deriving alternative thermal effluent limits (ATEL) that are demonstrated to protect a Balanced Indigenous Community (BIC) in the receiving water. AIC requests that the TSD approaches for temperature not be used and that DEQ provide additional opportunity to discuss this critical consideration with AIC.
7-Jun-17	19-Jun-17	AIC	5	3.7.9.1.1	132	BLM	This section does not mention the use of probabilistic approaches for establishing criteria such as the Fixed Monitoring Benchmark (FMB) approach. The FMB approach is identified in the BLM implementation guidance as an applicable method in Idaho. AIC recommends that the ELDG be consistent with the BLM guidance in this and other respects. One of those other areas for consistency is the number of samples required and when those samples are to be taken. The 24 monthly samples identified in the ELDG is not totally consistent with the BLM guidance.
7-Jun-17	19-Jun-17	AIC	6	3.5.2		Human Health Criteria Limits	New information in this section describes how MDLs are to be calculated from AMLs for human health criteria. AIC has previously commented that HHC, especially the cancer related criteria, are intended to be protective of exposure for very long periods such as 70 years. AIC does not believe that MDLs are appropriate for criteria with such long exposure periods. AIC recommends that limits with no shorter averaging periods than monthly be used for HHC.
7-Jun-17	19-Jun-17	AIC		3.7.8	131	Fish Tissue Criteria	DEQ has Implementation Guidance for the Idaho Mercury Water Quality Criteria, a fish tissue criteria. AIC recommends this guidance be directly cited in the ELDG.