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Troy G. Smith  
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Submitted via email: [IPDESGuidance@deq.idaho.gov](mailto:IPDESGuidance@deq.idaho.gov) and [troy.smit@deq.idaho.gov](mailto:troy.smit@deq.idaho.gov)

**RE: IPDES Guidance Documents – ELDG Permit Writer Supplemental Guidance**

Dear Mr. Smith,

Thank you for the opportunity to comment on the ELDG Permit Writer Supplemental document (Supplemental Document), part of DEQ's IPDES Guidance Documents.

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 30,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality, public health and aquatic species.

Our detailed comments follow this letter. Please do not hesitate to contact me at 208-345-6933 ext. 23 or [ahopkins@idahoconservation.org](mailto: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,

Austin Hopkins  
Conservation Associate

*RE: Idaho Conservation League comments on IPDES Guidance Documents – ELDG Permit Writer Supplemental Guidance*

## **Special Topics**

The second paragraph in section 1.4 begins with the statement: “The permit writer is not required to examine or include the special topics within a permit and its associated fact sheet.” Is this statement claiming that consideration of the material within the Supplemental Document is not required for every permit? Or is it going beyond that by allowing the permit writer to exclude from disclosure special topics that will be implemented as part of an issued permit?

If the former statement is true – that consideration of special topics is not compulsory for each permit – then DEQ should clarify this language accordingly. If the latter is correct – that permit writers are not required to disclose their consideration and or use of these special topics – then we disagree with this language and approach, and request that DEQ provide an explanation of how this approach would comply with Idaho’s public record and disclosure laws, rules and policies. Consideration and or utilization of any of the special topics discussed in the Supplemental Document must be disclosed to the public as part of the draft permit or fact sheet.

## **Compliance with TMDLs**

The Supplemental document references the TMDL process as a means to manage water quality issues. This document should go beyond merely referencing the TMDL process and also clearly inform the permit writer that if a TMDL exists, all effluent limits must comply with an applicable TMDL.

## **Technical Analysis for Nutrient Speciation**

The Supplemental document states that permit writers may recommend that applicants conduct a study of nutrient speciation of their effluent. If approved, DEQ may rely on this analysis to develop nutrient effluent limits using a ratio of refractory to total nutrient concentration. The Supplemental Document should also inform the permit writer that this analysis must be made available to the public as part of the draft permit and fact sheet if the results of the analysis are used as a basis for nutrient effluent limits.

## **Offsets Require Net Environmental Benefit**

Whenever the Supplemental Document discusses offsets it should include language that informs the permit writer that offsets should result in a net environmental benefit.

## **Include Discussion in Section 4 on HABs**

Section 4 of the Supplemental Document should include information on harmful algal blooms and the role that permits play in mitigating bloom outbreaks. Nutrients and temperature – though not inherently toxic – play a significant role in the growth of toxic algal blooms. As such, it's important for permit writers to understand the necessity of effective effluent limits for all pollutants, especially nutrients and temperature.

There currently are no water quality standards specifically applicable to HABs; however, the EPA does have recommended health advisory levels for toxins associated with HABs, and water quality standards for HABs are likely to exist in the future. Thus, this section on HABs would serve as a placeholder, similar to DEQ's treatment of arsenic in section 4 of the Supplemental Document.