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May 27, 2011

Ms. Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706-1255

Via e-mail: paula.wilson@deq.idaho.gov

Re: Boise City Comments on the Proposed Temperature Rulemaking

Dear Ms. Wilson:

Boise City is pleased to provide comment on the proposed change to water quality standard concerning temperature. Boise City owns and operates two wastewater treatment facilities that discharge highly treated water to the Boise River. The City provides advanced treatment at both facilities and discharges high quality water to the Boise River. The City has been a longstanding participant in watershed based monitoring and planning efforts and regularly participates in negotiated rulemakings on water quality. The City recently adopted an updated facilities plan (2010) that anticipates additional treatment for nutrients and temperature.

Temperature is an important water quality parameter that point and non-point sources will address in Total Maximum Daily Loads (TMDLs) and National Pollutant Discharge Elimination System (NPDES) permits. The City understands and supports the determination and adoption of appropriate temperature requirements to protect aquatic life and salmonid spawning uses. The City has conducted significant monitoring and modeling in the Boise River watershed since 2000 in anticipation of development of NPDES permit requirements for temperature that are fully protective of aquatic life uses in the Boise River and looks forward to working with IDEQ and EPA in the development of temperature requirements in our NPDES permits.

The City appreciates IDEQ proposing the rule that acknowledges the importance of making the two proposed changes prior to development of

our draft NPDES permits. The two proposed temperature rule changes are:

- 1) Adoption of EPA Region 10's recommended salmonid spawning criteria and averaging period for the state of Idaho, and
- 2) Removal of numeric treatment temperature requirements for point sources that are more stringent than necessary to meet salmonid spawning and aquatic life uses.

Significant discussion during the rulemaking meeting included consideration of a number of alternative approaches, including limiting the rulemaking to the Lower Boise River or watershed, retention of the wastewater treatment temperature caps that are more stringent than necessary to protect uses, and when and where salmonid spawning occurs.

Temperature is an issue that has statewide application and effect. EPA has a large backlog of NPDES permits that it currently is addressing. Limiting the application of the temperature rule changes to the lower Boise River or watershed will address the City's immediate NPDES permitting need, however does not satisfy the broader statewide temperature NPDES issue. A basin by basin or water by water approach could result in development of temperature requirements in NPDES permits that are more stringent than necessary to protect aquatic life because old, outdated, or incorrect criteria are being used in the water quality evaluation of NPDES requirements. The risk is that an administratively burdensome and unrealistic waterbody, watershed, or site specific criteria development approach will be adopted and state and federal agencies simply will not have the capacity or resources to implement the approach.

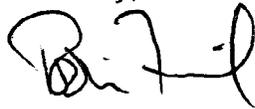
Concerning removal of the point source wastewater numeric thermal caps, the existing rule retains the requirement that discharges not "...interfere with designated beneficial uses." including salmonid spawning and aquatic life outside the mixing zone (IDAPA 58.01.02.400.01.a). The proposed rule fully protects the use and only removes the numeric thermal change caps that are not technically or scientifically based, are more stringent than necessary to protect designated use, and if applied in permits, could result in unrealistic and expensive limitation for NPDES permittees including negative social and environmental effects (e.g. unnecessary capital and operations expense, unnecessary energy use...).

Concerning salmonid spawning location and timing, current EPA approved state water quality standards contain procedures for identification of when and where salmonid spawning occurs (IDAPA 58.01.02.250.f and WBAG II Appendix F) that appear to be adequate for the purposes of TMDL and NPDES permit development. While improvements in the identification of "when and where" salmonid spawning could occur, this is a substantial task and appears to be better addressed as a work plan element in the State/EPA Performance Partnership Agreement (PPA) as opposed to add on to the proposed rulemaking process. The 2011 Idaho EPA PPA includes permitting, TMDL, and water quality standards tasks that appear to not include salmonid spawning location and timing as a current or near term priority task. We encourage EPA and the State to determine where this task work fits in the broader water and environmental program priorities and incorporate in future State EPA PPAs as appropriate.

For these reasons the City supports IDEQ Board adoption of EPA's recommended salmonid spawning criteria for the entire state and removal of the temperature treatment requirements more stringent than necessary to meet aquatic life and salmonid spawning uses as proposed by IDEQ in the May 4, 2011 Bulletin.

This concludes our comments on the proposed temperature rulemaking. Should you have any questions, please feel free to contact me at 208.384.3916 or at rfinch@cityofboise.org.

Sincerely,



Robbin Finch
Water Quality Manager
Boise City Public Works

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