

Paula Wilson

From: Paul Klatt [pklatt@jub.com]
Sent: Monday, June 21, 2010 7:22 PM
To: Paula Wilson
Subject: Klatt Comments - Negotiated Rulemaking - Antidegradation June 15th Water Quality Standards, Docket No. 58-0102-1001

Ms. Wilson:

Thank you for working to make these revised rules fit our state and waters to the best of your ability. I have been trying to keep the water professionals that I associate with up to date on their progress and importance. Hopefully, efforts like this will make the results that much more suitable and useful over the long term. I have the following comments on Draft #4 of the Anti-Degradation Rulemaking:

Section 052.04.e: "measureable change" appears to be incomplete. It should refer the reader to the definitions and/or provide a more complete discussion of what is intended. Measureable in the definitions is a crucial part of this proposed rule and needs to be more complete with respect to the "standard methods of analysis" which will determine compliance for all other parameters beyond the three listed. It would be most helpful to refer the reader and regulators to an accepted set of standard methods and their confidence limits. Perhaps an agreed list of tests and their accepted repeatability that is regularly reviewed by EPA approved laboratories in the state of Idaho could establish and update those standard methods. A starting point would be at web link below for EPA "Approved General Purpose Methods" to comply with the Section 304(h) of the Clean Water Act. Other examples may be from 40 CFR Part 136 GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS.

<http://www.epa.gov/waterscience/methods/method/>

Sections 051.02 and 052.06.b describes conditions for degradation to Tier II water using "other controls" imbedded with the language "the Department must assure that there shall be achieved in the watershed the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for nonpoint source control". This language will completely shut off any practical approach to determining whether a proposed measureable change to Tier II water quality should be considered significant because you are stating that consideration of such proposed potential degradation must be preceded by controls and funding far beyond the reach of the Department and the permit applicant. The Department is charged with determining if an applicant has improved other point and nonpoint activities in the watershed to "the highest statutory and regulatory requirement" (presumably above and below a proposed activity). There is no standards established for determining how or who will judge this standard and it will lead to continual conflict without a reasonable standard for resolving. In other words, it appears to be an impossibly high bar to make sure that it can never be cleared.

Thank you for your efforts and I look forward to continuing the progress in the next drafts.

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06/23/2010

From: Paula.Wilson@deq.idaho.gov [mailto:Paula.Wilson@deq.idaho.gov]

Sent: Wednesday, June 09, 2010 4:24 PM

Subject: Negotiated Rulemaking - Antidegradation June 15th Water Quality Standards, Docket No. 58-0102-1001

Attached for your review prior to the meeting set for June 15, 2010 is Negotiated Rule Draft No. 4. Draft No. 4 contains revisions made based on the discussions held on May 12 and June 2, 2010 and review of comments received. Those revisions are highlighted in yellow. Please note that the written comment deadline for this draft is June 21, 2010.

Also attached are the following:

written comments received from IACI and Bennett Engineering

Waterbody by Waterbody versus Pollutant by Pollutant Implementation Scenarios

June 15, 2010 Meeting Agenda

The meeting details can be viewed at http://www.deq.idaho.gov/rules/water/58_0102_1001_negotiated.cfm. If you are interested in participating in the June 15th meeting but cannot attend in person at one of the meeting locations, please contact me by June 11th to make arrangements for phone participation.

Thank you,
Paula Wilson
(208)373-0418