



Public Services Department
Water Reclamation Division

April 3, 2015

Paula Wilson
Idaho Department of Environmental Quality

Dear Ms. Wilson:

The City of Post Falls appreciates the opportunity to comment on Discussion Paper #3 dealing with the IPDES negotiated rulemaking. The City offers the following specific comments to the draft language proposed in Draft 3.0 of the rule.

Upsets-300.05

Although the definition of upset will be addressed later, this comment address both the definition and the following paragraphs. To the extent allowable under the CWA, upsets should be an affirmative defense for non-compliance with a water quality based effluent limits in addition to TBELs. The same burden of proof criteria would apply; importantly including the cause being beyond the control of the permittee.

Water Quality Standards-300.06.c

This subsection should be expanded to prevent ambiguities. The cited 401-Certification process applies to federally issued permits and not to state issued discharge permits, although states are still responsible for ensuring neighboring water quality standards are met. This section should include the process for evaluation of such issues as well as spell out responsibilities for that evaluation process. As this is a significant issue, amended language should be available for public comment.

Intake Credits and Variances-300.07 and 310

DEQ indicated revisions were being developed on these sections. The City looks forward to reviewing the revised sections and providing comment. As noted in the development of the HHWQC rulemaking, the City supports including flexibility within these sections to address difficult pollutants.

Again, the City of Post Falls appreciates the consideration given to our comments and the opportunity to provide them. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "John E. Beacham".

John Beacham
Environmental Manager