Reviewer	Section	Text/Proposed Change	Comments
EPA	Title Page		why don't we say in the title that this is a phosphorus trading framework, since we would be creating a different one for another pollutant anyway (or amending this one).
EPA	Introduction	The purpose of this document is to provide the updated Idaho Department of Environmental Quality (DEQ) framework for the implementation of water quality trading within the Lower Boise River. This framework supplants the 2010 Lower Boise Trading Framework (DEQ, 2010a)	Who is the intended audience for this document and what is its purpose? It's not stated anywhere, but it is not written for someone new to trading. This document should either copy in some explanations from the State Guidance, or provide links and references to places where more basic information on trading can be located.
EPA	1.2 Watershed Context	A "trade" occurs when water quality credits are acquired and used to satisfy a regulatory requirement, such as the water quality based effluent limit (WQBEL) in a National Pollutant Discharge Elimination System (NPDES), or "wastewater discharge," permit. "Credits" are estimated pollution reduction generated by a project, and may include adjustments for trading baseline (Section 3.3), trade ratios (Section 5), or others. An "offset" as defined in IDAPA 58.01.02.06(c) is a reduction in pollution from other sources that are tied to a proposed activity or discharge, must be upstream and must occur before the proposed discharge. Offsets are activities or actions taken by discharger outside of a	These are not explanations for an audience new to trading. This should be spelled out since it's the first time it's being referred to in this document.

		formalized trading plan. While offsets are outside the scope of this framework, standards and requirements such as water quality monitoring or project design standards should be consistent with the Lower Boise Total Phosphorus TMDL Implementation plan and any other requirements set by Idaho Department of Environmental Quality (DEQ)	
EPA	1.2 Watershed Context	Sources of phosphorus within the watershed include wastewater treatment discharges, stormwater, agriculture, background (from Lucky Peak Resevoir releases), and groundwater return flows	This sentence should really be moved to a paragraph or section that summarizes the TMDL and the regulatory context, which is where the sources and their loads are discussed in a more official context. There should also be a brief explanation of how designated uses, water quality standards and TMDLs relate, as well as NPDES permits and WQBELs. If not in this document, then there should be a link to another document or website where they can be found.
EPA	1.2 Watershed Context	Water quality trading is intended to work in concert with existing ongoing efforts to enhance the Lower Boise River and watershed. In addition to TP reductions expected from point source facility upgrades and reductions associated with nonpoint-to-point source trading, DEQ has identified several TP load reduction strategies within the Lower Boise River Total Phosphorus TMDL addendum (DEQ, 2015), including:	This section should also provide a brief explanation of <u>why</u> the trading is suitable for the Lower Boise watershed, and then the rest of the document is <u>how</u> it will be implemented for the Lower Boise. This paragraph is about TMDL implementation, which needs its own section since it's not really part of the "watershed context" the section heading implied
EPA	1.2 Watershed Context	• TP reductions from stormwater dischargers through project types, increased attention to on-site stormwater inspection, and public	This languages is awkward and I'm not certain what the intent was. Perhaps it should read "TP reductions from stormwater dischargers through **various types of projects**…"

		education;	
EPA	1.2 Watershed Context	• Offset credits for reducing nonpoint source loads (i.e., sewering of septic systems); and	This use of the term "offset" is confusing when it's used as an adjective. Is it like the offset defined earlier that is an action taken by a permittee outside of a formal trading plan or is it intended to be the same type of credits that other types of nonpoint sources generate, once the "BMP" for sewering septics is approved? Also, the sentence is very general and describes all types of nonpoint sources as credit generators while the "i.e., sewering of septic systems" is very specific. It needs to be restated to be more clear since I have no idea what type of credit from what action is being described.
EPA	1.3 Framework Objectives	The water quality objectives of this watershed trading Framework are tied to the following total phosphorus TMDL addendum targets and allocations (DEQ, 2015), shown in Table 1.3.	This could go in a section about the regulatory context for this framework.
0000000	1.3 Framework Objectives	1 Meeting net environmental benefit can be done by: A) using positive trading ratios specific to environmental gain, B) applying conservative estimates in credit quantification C) how baseline criteria are set, D) project types that provide other environmental benefits (e.g., habitat), or E) other justifications. As a guiding principle, both the state guidance and this framework have not defined net environmental benefit specifically. However, the principle of net environmental benefit carries throughout the document in the various elements, including meeting baseline requirements, trading ratios and quantification from credit generating projects.	The phrase "how baseline criteria are set" in the footnote is awkward, and it is unclear how setting baseline criteria in a certain way will ensure a net environmental benefit.

EPA		• Trades cannot circumvent existing U.S. Environmental Protection Agency (EPA) approved technology-based effluent limits (TBELs).	Pick either "USEPA" or "EPA" for the abbreviation and then use it consistently in the rest of the document. "EPA" is probably less formidable.
EPA	2.1 Trading Parties and Types of Trades	The public will also have an opportunity to review trading details for permittees during the public review of NPDES permits (40 CFR §124.10; DEQ, 2010b) or 401 certifications (DEQ, 2010b). In addition, when new or substantially revised project type quality standards are proposed, DEQ will convene a technical review process to vet those standards, as described in Section 10.1 of this Framework	These have not yet been defined or discussed so it's out of context in this paragraph.
EPA	2.1 Trading Parties and Types of Trades	In order for credits to be usable to meet compliance obligations, trading must be implemented through an enforceable, EPA-approved and DEQ-approved mechanism, typically a permit, order, or license where the permit obligation and water quality benefits from credit projects can be measured or estimated in the same units.	This raises an important question: is the document being written for when DEQ assumes primacy of NDPES permits? That won't be until 2018 at the earliest, so EPA as the permit issuer until then should be acknowledged. This raises an important question: is the document being written for when DEQ assumes primacy of NDPES permits? That won't be until 2018 at the earliest, so EPA as the permit issuer until then should be acknowledged. This is confusing to the lay reader but that could be addressed with a basic explanation of trading earlier in the document.
EPA	2.1 Trading Parties and Types of Trades	***Table 2.1. Potential buyers and sellers under this Framework***	A rapid infiltration basin without a direct hydrologic connection to surface water would not need an NPDES permit. This reads as if this is just another

			kind of NPDES permit (like MS4 and MSGP coverages).
EPA	2.1 Trading Parties and Types of Trades	***Table 2.1. Potential buyers and sellers under this Framework***	I do not believe trading is available for general permits because permit coverage is obtained without going through notice and comment (N&C taken when EPA first issues the general permit) and the WQ trading guidance requires that trades in permits be subject to notice and comment. Note the need for public comment is described in section 3.1 below. Also, the general permit would need to include conditions or a provision allowing for trading. The MSGP does not. If a facility wants to trade they would need to get an individual permit. I don't know what an RIB is.
EPA	2.1 Trading Parties and Types of Trades	Trading can also be used to offset point source pollutant loads under other scenarios, including:	I've been told that the term "offset" is being used in so many different ways in this document that it's too confusing. I can't think of another word to use here as a verb that works as well, so maybe we need to explain that when it is used as a verb, it is not the same meaning as the noun.
EPA		So if the TMDL does not have a reserve allocation any reduction from a trade must be demonstrated before a new point source could be authorized.	It would be a good idea to have this point inserted into the second bullet just above the text box.
EPA	2.3 Eligible	Section Header	This is not defined yet and therefore is confusing as

	Pollutants and Credit Life		a section heading. Again, a basic explanation of trading earlier on that touches on what is a credit, how is a credit created, and what are its features, such as the time period it may be generated and used (credit life) could help. The explanation later in this section is too technical to the lay reader.
EPA	2.3 Eligible Pollutants and Credit Life	Table 2.3	Units of "pounds per year" are inconsistent with a seasonal credit life.
EPA	2.3 Eligible Pollutants and Credit Life	Table 2.3 footnote: [1] Specifically, water that is diverted from the mainstem (and the associated phosphorus load) accumulates in shallow groundwater during the irrigation season and then permeates to the Boise River year round in "base flow" (WP, 2015). The result is that point source phosphorus loading and nonpoint source phosphorus reductions are released relatively evenly throughout the year (WP, 2015; Etheridge, MacCoy & Weakland, 2014; Etheridge, 2013). As a result, there is no need for seasonal credits.	The footnote below has a statement that we disputed and commented on earlier and it has not been addressed. We said: "The footnote statement is incorrect about 'point source phosphorus loading and nonpoint source phosphorus reductions are released relatively evenly throughout the year. As a result, there is no need for seasonal credits.' That conclusion is also incorrect. Not to mention the statement that there is no need for seasonal credits disregards the text of the framework discussing seasonal credits.
EPA	2.3 Eligible Pollutants and Credit Life	BMP table	Can we say irrigation season? Also the TMDL uses May 1 – Sep. 30 for its definition of irrigation season. How did this end up with different months?
EPA	3.1 Eligibility for Credit Buyers	Proposed trades are described in a trading plan, which is submitted to EPA and DEQ for their review as part of the procedures for incorporating trading provisions into NPDES permits. Trading plans submitted as part of permit reissuance will be reviewed by the permit	c_schary: I added this phrase because it sounded too much like a regular NPDES process, but putting trading in a permit is not. EPA – do we agree with how this is worded? F_Alexander: I don't necessarily have an issue with

		writer and provided for comment to the public as part of the permitting process. Trading plans submitted outside of the permit issuance/reissuance process will be considered a permit modification and will be subject to public comment as part of the modification process. EPA and DEQ will review a submitted trading plan and proposed modifications, as necessary, to assure the plan complies with the CWA and NPDES permitting requirements.	how it's worded but Brian/Susan should probably provide input. I remember Brian suggesting that EPA's review would mostly be based on the 3rd party verification. B_Nickel: I think this is OK as written
EPA	3.1 Eligibility for Credit Buyers	Trading plans must include the following elements, many of which are addressed in this Framework:	This needs to be singled out as a separate section because it is so important to permittees and to permit writers – both of whom will want to use it as a check list. The contents need to be better defined in sub-sections, and then a summary in check-list format should be provided as a list of minimum elements of a trading plan. Otherwise we are making this very important component too vague and obscure to the reader.
EPA	3.1 Eligibility for Credit Buyers	*Near-field analysis of* potential *localized impacts:* (see section 3.1.2 for details)	Text added
EPA	3.1 Eligibility for Credit Buyers	The CWA requires point sources to meet the more stringent of TBELs or WQBELs. A point source that has attained applicable TBEL requirements, if any, can obtain credits to achieve its WQBELs.	These are new concepts to the lay reader, so perhaps a basic summary of NDPES permits could begin a new section on trading elements in a permit, including those that need to work with existing elements (such as TBELSs and WQBELs) and those that would be new, rather than putting it in a section on trading eligibility. If you need EPA to provide some suggested language, let me know.
EPA	3.1.1 Meeting Technology-	The CWA requires point sources to meet the more stringent of TBELs or WQBELs. A point	These are new concepts to the lay reader, so perhaps a basic summary of NDPES permits could

	Based Effluent Limitations	source that has attained applicable TBEL requirements, if any, can obtain credits to achieve its WQBELs.	begin a new section on trading elements in a permit, including those that need to work with existing elements (such as TBELSs and WQBELs) and those that would be new, rather than putting it in a section on trading eligibility. If you need EPA to provide some suggested language, let me know.
EPA	3.1.2 Avoiding localized impacts	Avoiding localized impacts on water quality	Added text
EPA	3.1.2 Avoiding localized impacts	~~Consideration of all parameters that may have a negative impact on biota: chlorophyll *a*, turbidity, dissolved oxygen, pH, biological oxygen demand (BOD), indices of biotic integrity for macroinvertebrates or fish~~	I think we should leave this with the first two bullets because it sounds like they address Brian's comment below. A numeric target is not reasonable to set to address this concern since it would be putting a point source in the position of being responsible for the compliance of the rest of the watershed(that is downstream of them, that is) with the TMDL. Individual permit negotiations can figure out how to address this in their permit.
EPA	3.1.3 Compliance with Antidegradation and Anti-backsliding	In addition, subject to limited exceptions, no trades can result in the issuance of a permit with effluent limitations that are less stringent than the comparable limitations in the previous permit consistent with CWA §402(o) and 40 CFR §122.44(l) (anti-backsliding). Compliance with these ~~criteria~~ regulations	Too close to sounding like water quality criteria
EPA	3.2 Project Eligibility for Credits	What is an appropriate look-back or base-year for the Lower Boise Framework that meets these two criteria?	The appropriate base year is the year of the data the TMDL uses for its analysis, since the information used and assumptions made in calculating credits need to be consistent with the TMDL
EPA	3.3 Point and nonpoint source	For point sources, the baseline requirement is the water quality-based effluent limit must be	This is not correct and is contradicted by the

	credit baseline	met prior to generating phosphorus credits (since most point sources do not have technology-based requirements for phosphorus, and the point sources' water quality based effluent limits are set by the TMDL's waste load allocations).	following sentence (which I do agree with). Most point sources (including POTWs) do not have technology-based requirements for phosphorus. Even if they did, the "baseline" for a point source should be their wasteload allocation (which must be reflected in their permit as a **water quality-based** effluent limit, not a technology-based limit).
EPA	3.3 Point and nonpoint source credit baseline	For hydroelectric facilities, the baseline requirement is that all 401 license conditions must be met prior to generating credits.	My comment in the previous version was not addressed. It was: "How are they able to generate credits if they don't have an NPDES permit and they are definitely not a nonpoint source? I think they fit with an offset type approach, in which case everything is considered and negotiated."
EPA	3.3 Point and nonpoint source credit baseline	To account for the time it takes to plan, receive local government approval, integrate trading into permits, and develop the systems necessary to implement trading, each stage of baseline implementation ~~phase runs~~ is for a ten year period.	c_Schary: I reworded this sentence slightly to reinforce the phrasing of "staged implementation" of trading baselines, rather than using the term "baseline implementation phase." Good edit. As we discussed I think it is imperative for IDEQ to develop an implementation plan that sets interim goals toward meeting the LA in each stage. I think this is really the only workable way to address baseline for NPS.
EPA	3.3 Point and nonpoint source credit baseline	treating surface water and groundwater impacted by agricultural runoff[1],	I was told by a permit writer that is confusing to them because "receiving water" is the term they use to refer to where the effluent from a point source's pipe goes. Can't we just say "surface water"?
EPA	Table 3.3 baseline	Hydroelectric facility	c_schary: I can't find a hydroelectric facility mentioned in the Lower Boise TMDL and certainly

[1] Projects such as constructed basins and constructed wetlands are examples of projects treating receiving surface water and groundwater impacted by agricultural runoff.

	requirements		none received a WLA, so wouldn't they be considered outside of the allowed trading area? In that case, I don't think their credits could be used by NPDES buyers because even a credit based on a reduction in an adjacent watershed has the effect of allowing an increase above the Lower Boise TMDL levels. B_Nickel: One of the objectives of the Boise River TP TMDL was to meet the Boise River's load allocation in the Snake River Hells Canyon TMDL. Changes to the operation of the Hells Canyon complex dams could improve water quality in that reach of the Snake
EPA	3.4 Use of public conservation funds and credit stacking	There is a lot of value in leveraging multiple funding sources to create bigger, more beneficial projects. The credit buyer will just need to demonstrate that they meet the ~~requirements~~ conditions above	They aren't really requirements, but more of a condition on trading in the Lower Boise imposed by the Framework, since there are no trading regulations in place to prohibit the use of public dollars for credit generation, but is up to the rules and requirements of the funding source.
EPA	5. Trading Ratios	Ratios can adjust credit quantities by either discounting the number of credits produced at the end of a pipe or edge of a field,	Provide an example of how a ratio is used, because the table just says the ratio itself with no units provided, and the lay person wouldn't be able to figure out what that means.
EPA	5. Trading Ratios	or by multiplying the number of credits needed by a buyer.	We never discussed in the TAC if it made any sense to put a ratio on the buyer's side, but I don't think the permittees want it because it is impossible implement this type of ratio to credits that are reported on the DMR to show compliance with the limit.

EPA	5. Trading Ratios	Trading ratios will be applied to all trades, including both point source to point source trades and nonpoint source to point source trades. This Framework will apply two types of trading ratio multipliers to all trades in the Lower Boise River trading area (*see* Table 5).	This section and the table that follows will need to be revised based on the new baseline approach that EPA also wants to tie into a more simple ratio approach. We propose that all sources generating credits should apply the 2:1 uncertainty ratio and eliminate the net environmental benefit ratio, since the variability of all measurement methods will be covered and some could be more accurate than others. In those cases the ratio is delivering an environmental benefit. As stated in my comment below, the rationale for the 2:1 ratio should also include the uncertainty about the fate and transport of phosphorus in the system, including groundwater, and the transformation of particulate phosphorus to the dissolved form.
EPA	Table 5. Summary of trading ratios	Delivery	Why begin this section with two ratios that don't apply in this watershed? I suggest leaving them out altogether or else moving them to the end of the table. Also, the document should state where the list of these ratios come from.
EPA	Table 5. Summary of trading ratios	Uncertainty: Credits required for purchase (buyer)	The order in which the different ratios are to be applied is not clear. I'm gathering from this word "buyer" that the uncertainty ratio is not applied until after the baseline portion is deducted from the credit, and then it is sold (transfered) to the buyer, who then applies the uncertainty ratio, even though its concept is rooted in the uncertainty of the NPS reduction estimate – not any uncertainty associated with the buyer using the credit. I think this would be more transparent if the uncertainty ratio were applied on the seller side of the transaction, and

			then sold (transfered) that credit amount to the buyer. Also, as I stated above, I think it is impossible for point sources to implement this type of ratio because they have to report credits on the DMR to show compliance with the limit.
EPA	Table 5. Summary of trading ratios	A 0.2 factor is used to ensure that all trades make progress toward meeting load allocations and generate a net water quality benefit.[2]	c_shary: This wording may need to be changed if EPA's proposed approach to establishing baseline goes forward, since that is how progress towards meeting the load allocation will be addressed. The application of the net environmental benefit ratio will be to achieve that additional reduction beyond what the TMDL is calling for. A_Fidis: Agreed. I think it would be better stated that the net env benefit is "used to ensure that in addition to making progress toward meeting load allocations all trades generate a net water quality benefit."
EPA	Table 5. Summary of trading ratios	Should all potential ratios be listed or only those relevant to the Framework (uncertainty and net environmental gain)?	I'm assuming the State Trading Guidance is the source of this list of potential ratios. I think it requires all watershed frameworks to consider the need for each of the ratios, so I think they should be included along with a brief statement as to why they are not needed in this watershed.
EPA	5. Trading Ratios	Footnote 24: The Lower Boise River Total Phosphorus TMDL addendum identifies groundwater as a significant source of phosphorus loading (DEQ, 2015). However,	Need to fix the last sentence in this footnote.

[2] This value is consistent with the nonpoint source water quality contribution required under the original Lower Boise Trading Framework (DEQ, 2010, Sec 2.2.7)

		credits cannot currently be generated by reducing phosphorus loading to groundwater because quantification methods approved for use under this Framework do not provide estimates of how it groundwater affected by BMPs.	
EPA	5. Trading Ratios	Comment Box: Based on the factors represented by the uncertainty ratio are there other actions that could lead to a reduced uncertainty ratio?	There are two ways in which the uncertainty ratio could be adjusted even lower than 0.2. One is the application of direct measurement of reductions, which instream treatment systems can do, and which point sources are already doing and to a high degree of accuracy (compared to estimates). The other way is with the establishment of baseline on a per acre or per farm basis and with the applicable implementation stage included as part of credit calculation. The type of uncertainty that would remain in those cases (in my opinion) would be meteorological uncertainty and lag time, while the other uncertainty factors would be eliminated with direct measurement.
EPA	7. Project Implementation and Assurance	Project Design and Management Plan	Shouldn't this requirement be stated earlier in the Framework, such as near the table of BMP efficiency rates on page 11 in section 2.3, since it already refers to NRCS design criteria? I think that the requirements for how credits are to be generated needs to be in its own section, to serve as a checklist for a credit verifier, rather than scattering these requirements throughout the document.
EPA	7. Project Implementation and Assurance	Adequate land stewardship safeguards must be in place to protect the project from conversion for the duration of the project life.	As I commented in the previous draft, a definition of what these are and examples should be provided.
EPA	8.1 Site Screening	While optional for all projects, it is strongly encouraged that projects go through an initial	I'm not sure what this means. Is it the first two years of trading in the watershed, or is the first two

		project screening during the first two years of operating this Trading Framework.	years for a credit generator participating in trading?
EPA	8.2 Initial Verification	EPA and DEQ maintain the regulatory oversight for project review, but will designate an independent 3rd party to complete initial verification	Since EPA is still going to be issuing Idaho's NDPES permits until at least 2018, we need to figure out how to state EPA's role in this that might change once DEQ gets their permit program.
EPA	8.2.2 Technical Review	For point sources, confirm from DMRs the pollutant load reductions proposed for credit verification.	This section needs to have a consistent "perspective" of who is doing the review. The previous paragraph mentions what project developers should submit, so it's not clear here who is "confirming" and in the next paragraph as well.
EPA	8.2.3 Project Implementation	For point sources, project verification may include inspection of NPDES permitted facilities if credits are the result of facility upgrades. Proposed point source credit project plans will be reviewed by DEQ and EPA as part of the procedures of the associated NPDES permit.	This sounds like an official EPA or DEQ compliance inspection – should come up with a different term than "inspection" –on-site review?
EPA	8.3 Ongoing Verification	Ongoing verification will occur on a cycle described for each project type in Appendix C,	My comment in the previous version was not addressed: "Shouldn't there be some minimum time period for ongoing verification – e.g. annually - but perhaps with fewer things to check on for some years?" I don't think it should be left up to the project developer or the verification entity. **EPA believes there needs to be at least some visual inspection done annually to verify the project is still in place.**
EPA	8.6 Trade-Tracking Database	It is the responsibility of the seller to register the certified credits and to notify the administrator when the transaction has been completed and credits are to be transferred to the buyer. Once	Changes to what? The specific actions that would require reporting should be listed. I'm having trouble thinking of what those would be other than transferring the credit to another buyer.

		credits have been transferred, it is the responsibility of the credit buyer to maintain all necessary records and inform the registry administrator of any changes.	
EPA	8.7.1 Discharge Monitoring Reports	~~If trading occurs,~~ When a point source discharger ~~will~~ reports its actual average monthly effluent discharge, it will need to include any credits purchased or sold ~~the amount of credits sold or bought~~ for that period, and its adjusted discharge (the actual discharge plus or minus any credits traded). Trading activity must be summarized for EPA/DEQ in the Discharge Monitoring Report (DMR) for that period.	The DMR is due generally on the 20th of the following month. Wording is incorrect here though they wouldn't report on the DMR for the following month, they would report for that month. i.e. samples taken in May are reported on the May DMR, which is due on June 20th.
EPA	8.7.1 Discharge Monitoring Reports	A permitee can demonstrate compliance with its permit limit by using purchased credits to offset its reported discharge by reducing the discharge by the amount of credits purchased during that period, and adding in the amount of any credits it sold during that period. This adjusted discharge amount should be less than or equal to its permit limit to avoid being in non-compliance.	My new wording still needs EPA review
EPA	9.1 Compliance and Enforcement	Permittee compliance is demonstrated through submission of DMRs and annual reports	What about reference to the trading database? I thought that, in addition to DMR review, was how permit limit compliance would be determined? I don't think we should suggest that EPA will be doing compliance determinations. Other than the above I don't have an issue with how this section is written.

EPA	9.2 Project Compliance	For Projects that materially fail to meet performance standards during ongoing project review, credits will be suspended until corrective action are taken and verified by EPA/DEQ or a DEQ-designated verifier. For projects where corrective action is not taken, then the project and all associated credits will be canceled.	Cschary: EPA – wouldn't we want the point source to have extra credits available to use, rather than wait for corrective action to be taken, especially if the corrective action is replanting? Would we have a different position if credits were wiped out by a natural event? A Fidis: I agree it's a conservative approach and one that a PS should consider taking if it wants to hedge against potential BMP failure and subsequent permit violations. S Poulsom: I would suggest that there be some deadline for completing corrective action and if the deadline is not met the credit is terminated. Such a deadline could help EPA or others in determining how and when to exercise enforcement discretion. If the project fails and the permittee does not have an available trade, the permittee would be out of compliance with the permit. We don't put enforcement discretion in the permit. When NCU reviews the case, they could take into consideration the circumstances.
City of Boise	5. Trading Ratios		Allow the uncertainty portion of the trading ratio for highly effective/measurable BMPs to be reduced from 2:1 to a maximum of 1.5:1 with necessary documentation. Our rationale for this adjustment includes the following: • Conservation assumptions are included for each factor contributing to the calculation of the trade, resulting in assurance that ratios

			are more conservative than the numeric ratio face value. • A variable ratio is proposed based on effectiveness certainty for various BMPs (e.g. pumpback and micro-irrigation). • Implementation of certain highly effective BMPs ensure that significant additional water quality improvements will occur so industrial/municipal wastewater and stormwater growth can be accommodated within the watershed.
City of Boise	2.3 Eligible Pollutants and Credit Life		An annual credit life, with a scaled performance percentage ratio for irrigation/non-irrigation season BMPs is recommended. The City believes that there is a clear scientific basis for a yearly (annual) credit life. The determination of annual phosphorus credit life in the trading framework would be the simplest and most defensible approach from a buyer's perspective for the following reasons: • The requirement of buying different sets of 'seasonal' credits (all with potentially different credit lives) is likely to introduce additional complexity and transaction costs into trading. • Seasonally limited credits ignore the documented "persistence of phosphorus" in the system. • Trading is not likely to be a stand-alone compliance approach (i.e., it is likely to be paired with reasonably affordable technology upgrades and used to address the remaining expensive increment), and so

			any concern that annual credit lives will allow NPDES holders to discharge heavily during the winter without technological controls is unfounded. • United States Geological Survey- Evaluation of Total Phosphorus in the Lower Boise River, Southwestern Idaho – Etheridge, A.B. 2013 • United States Bureau of Reclamation/University of Idaho- Modeling Spatial Water Allocations and Hydrologic Externalities in the Boise River Valley -2009. • The Freshwater Trust – Lower Boise River Technical Analysis – 2015. • Willamette Partnership – Lower Boise Framework Updates: Findings and Recommendations 2015
City of Boise	3.3 Point and Nonpoint source credit baseline		A phased approach to achieving baseline for non-point sources is recommended. The phased approach would allow non-point sources to generate credits while achieving progress towards meeting the established load allocation within the Lower Boise River Phosphorus TMDL over a fixed timeframe. Additionally, the City has not been included in the development or had the opportunity to review the latest proposal to address baseline prepared by the Freshwater Trust. Based on our limited understanding of the baseline proposal (SISL estimates related to drain data), it appears that only attached phosphorus is addressed in the current baseline estimates. The USGS and other data

			suggest dissolved phosphorus is an important and significant controllable phosphorus source that should be included in the estimation of baseline (e.g., 600 ug/l dissolved P inflow to the Boise River at Caldwell USGS, 2013; Dixie Drain OP 60% in May, 90% in August, BCPW Data). Inclusion of both dissolved and attached phosphorus sources in the development of baseline will be an important in the development of a more accurate estimate of baseline and the effectiveness of BMPs to meet baseline.
City of Boise	3.1.2 Avoiding Localized Impacts		Consider adding language to the framework to clarify that if beneficial uses are not impaired at point of discharge by effluent (i.e, no 'hotspot' is created by the discharge), then the remaining load limit does not need to be met locally but could be offset regionally within the trading area. If point sources must meet all or most of its obligation at the discharge point, then trading does not work under any scenario. Consider deleting text in current draft that says "Stream reach concentrations of Total Phosphorus below a facility do not exceed:"
Clean Water Partners	Baseline/Trading Ratio		We agree with the US EPA and Idaho DEQ that there are important distinctions between CB/CW and BMPs that must be considered in negotiations and incorporated in a final agreement. The US EPA presently proposes that baseline for CB/CW projects be zero, and a contribution to achieving the TMDL for the watershed be incorporated in the trading ratio. **We believe instead, that our contribution to achieving the TMDL for the Lower Boise River**

			watershed is more appropriately expressed in a baseline requirement that is yet to be determined. And, we believe that the trading ratio applied to a CB/CW project should be 1:1, based on the present definition of trading ratio shown in the draft document and the scientific rational described above (see original letter).
Clean Water Partners	Credit Life		We take issue with the proposed period of time described by the draft document for "life of a credit" and believe it should be based on the residence time of phosphorus in the shallow groundwater acquifer of the Lower Boise River basin. The record of discussions with scientific experts (e.g., Alex Etheridge USGS, Darcy Sharpe IDEQ) during the time of the Technical Advisory Committee, and the literature should serve as a guide to a precise determination of residence time.