

Effluent Limit Development Guidance (ELDG)  
Comments for November 15, 2016 Meeting

Comment Date	Commenter	Comment No.	Section	Page	Topic	Comment
18-Nov-16	Burgess, Karen	1	1	1	Introduction	The last paragraph in this section, the EPA suggests a clearer statement about how this guidance will be used e.g. guidance should be used to develop consistent and defensible permits while also taking into consideration permit and site specific concerns. Phrases like "find right balance" and "time to get things right" are vague and not appropriate for this guidance. As written, the language implies DEQ has more flexibility in permitting than exists under IPDES and federal regulations. <a href="http://www.deq.idaho.gov/media/60179311/ipdes-effluent-limit-development-guidance-1116.pdf">http://www.deq.idaho.gov/media/60179311/ipdes-effluent-limit-development-guidance-1116.pdf</a>
18-Nov-16	Burgess, Karen	2	1.1	1	Purpose and Need	EPA takes issued with the statement, "This guide will help permit writers connect the water quality issues with, effluent limits, monitoring requirements, and compliance frequencies that make sense" because WQBELs cannot account for economic considerations and impacts. As written, the language implies DEQ has more flexibility in permitting than exists under IPDES and federal regulations.
18-Nov-16	Burgess, Karen	3	1.1	1	Purpose and Need	EPA takes issued with the use of "previously identified pitfalls and traps" in the following, "The ELDG provides insight for DEQ to recognize unique circumstance and find pathways to logical solutions that avoid previously-identified pitfalls and traps." Please clarify. As written, the language implies DEQ has more flexibility in permitting than exists under IPDES and federal regulations.
18-Nov-16	Burgess, Karen	4	1.2	2	Effluent Limit Development Process	The summary of permit development steps in not accurate. "...evaluation of appropriate technology- and water-quality based limit calculations, all the way through antibacksliding analyses and application of final effluent limits." Suggest reword to, establishing technology-based effluent limits, evaluating reasonable potential to exceed and establishing water quality-based effluent limits, providing anti-backsliding and anti-degradation analysis (as needed) and developing permit effluent limitations.
18-Nov-16	Burgess, Karen	5	1.3	2	Relationship to Rules and Guidance	Note that EPA has various EPA policy/interpretation documents that Region 10 and states have utilized to ensure consistency in permitting. DEQ should consider well-established policy document in their permitting. Reference EPA Permit Writers' Manual and EPA webpage. <a href="https://cfpub.epa.gov/npdes/docs.cfm?document_type_id=1&amp;view=1&amp;program_id=1&amp;sort=date_published">https://cfpub.epa.gov/npdes/docs.cfm?document_type_id=1&amp;view=1&amp;program_id=1&amp;sort=date_published</a>
18-Nov-16	Burgess, Karen	6	2.1.2	5	Data Applicability and Grouping	As written, the following statement implies DEQ has more flexibility in permitting than exists under IPDES and federal regulations. "Situations may also arise when a TMDL or other reference information becomes outdated and needs to be refreshed before being relied upon for permitting." If an EPA-approved TMDL includes a WLA for a discharge, then limits consistent with the requirements and assumptions of the WLA must be included in the final permit.
18-Nov-16	Burgess, Karen	7	2.1.2	5	Data Applicability and Grouping	Data older than 5 years is often used in permitting, especially river flow data. Available and relevant data should be considered, but if data are to be excluded from the analysis an explanation should be provided in the fact sheet.
18-Nov-16	Burgess, Karen	8	3.1.1.1	21	Secondary Treatment Standards	Corrections to Table 4 as mentioned at Nov. 15 meeting, loading limits are not part of the sec. treatment standards, but are required by 40 CFR 122.45(b)(1). pH limits are on a min./max. daily basis (for grab samples) or instantaneous min./max. (continuous monitoring).
18-Nov-16	Burgess, Karen	9	3.1.1.2	21	Equiv. to Secondary	Corrections to Table 5 as mentioned at Nov. 15 meeting, loading limits are not part of the sec. treatment standards, but are required by 40 CFR 122.45(b)(1). pH limits are on a min./max. daily basis (for grab samples) or instantaneous min./max. (continuous monitoring).
18-Nov-16	Burgess, Karen	10	3.1.1.2	22	Equiv. to Secondary	Double check if Idaho could establish Alternative State Requirements at this point in time.
18-Nov-16	Burgess, Karen	11	3.2.4	32	Pretreatment standards	As mentioned at the Nov. 15 meeting, the pretreatment section seems out of place in the document.
18-Nov-16	Burgess, Karen	12	3.2	34	TBELs for non-POTWs	This section closely follows EPA guidance; however, it may be appropriate to incorporate addition Idaho specific guidance over time.



