



Mayor Tammy de Weerd

City Council Members:

Joe Borton

Ty Palmer

Treg Bernt

Genesis Milam

Luke Cavener

Anne Little Roberts

July 25, 2018

Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Subject: Docket 58-0102-1803

Dear Ms. Wilson,

Please accept this letter as public comment to the negotiated rulemaking docket 58-0102-1803.

Idaho DEQ (DEQ) is proposing changes to the human use allowance/de minimus temperature additions for receiving water bodies that exceed numeric temperature limits.

Comment #1:

The City supports DEQ's efforts to develop practical, yet protective, mechanisms to define ambient conditions and develop flexible point source compliance options. The City supports and acknowledges statements made in the rulemaking meeting about significant constraints for point source dischargers (both large and small) in meeting some numeric temperature limits, such as limited geography at the facility for use of temperature treatment technologies.

Comment #2:

The City supports DEQ's use of 316(a) variances as a viable, flexible mechanism for temperature limit compliance that still remains protective of aquatic organisms. Section 316(a) of the Clean Water Act (CWA) allows for a variance from applicable thermal limitations to surface water if the permittee can demonstrate that the balanced indigenous community of aquatic organisms is protected and maintained.

Comment #3:

The City encourages DEQ to address EPA's suggestion of presenting information about the process of how DEQ determines natural background conditions. The City encourages DEQ to define clear methods of determining ambient background conditions in anthropogenically modified waterways. This is particularly critical in Idaho where many waterways are modified (altered creeks, dams, diversions, etc). This is also critical as ambient background conditions continue to rise due to changes in climate.

Comment #4:

Given the level of stakeholder interest and comments during the initial rulemaking meeting, the City would encourage DEQ to hold additional stakeholder meetings to explore topics recommended by EPA such as natural and ambient background condition definitions and the Oregon Human Use Temperature Allowance rules. Temperature limits and viable compliance strategies are critical topics for most communities in the State.

Please contact me if you have any questions, or would like to discuss these items further.

Sincerely,

A handwritten signature in black ink, appearing to read "L. McVey". The signature is fluid and cursive, with a large initial "L" and a stylized "McVey".

Laurelei McVey
Deputy Director of Operations, Public Works

Cc: Dale Bolthouse, Director of Public Works, City of Meridian