



Association of Idaho Cities
3100 South Vista, Suite 201, Boise, Idaho 83705
Telephone (208) 344-8594
Fax (208) 344-8677
www.idahocities.org

June 25, 2020

Ms. Amy Williams
Idaho Department of Environmental Quality
1410 N Hilton
Boise, ID 83706

Re: AIC Comments on the June 18, 2020 draft Volume 5 IPDES Guidance

Dear Ms. Williams,

The Idaho Department of Environmental Quality (IDEQ) is seeking public comment on a draft Idaho Pollutant Discharge Elimination System (IPDES) Volume 5 Guidance (Guidance) for storm water permits. AIC and our Stormwater Technical Task Force have worked to review and develop comments on the June 18, 2020 version of the draft Guidance. AIC concurs with comments submitted by our other members on the Guidance.

AIC and our members appreciate IDEQ staff efforts and understand the advantages to Idaho cities for delegation of the Clean Water Act discharge permit program to Idaho including (1) access to regulators and technical compliance assistance, (2) increased competency of state regulators and technical compliance assistance, and (3) access to and improved coordination of state and federal financial and technical resources for facility planning and capital improvements.

Should you have questions concerning our attached comments, please feel free to contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Bell".

Johanna M. Bell, PE
AIC Policy Analyst – Environment

cc: Tom Jenkins, AIC President
Kelley Packer, AIC Executive Director
Elaine Clegg, AIC Environment Committee Chair
AIC Municipal Water Users & Storm Water Task Force

Attachment



Association of Idaho Cities
3100 South Vista, Suite 201, Boise, Idaho 83705
Telephone (208) 344-8594
Fax (208) 344-8677
www.idahocities.org

General Comments

AIC appreciates the revisions to the Volume 5 Guidance in response to comments from AIC and our members on the April 15, 2020 draft and look forward to working with IDEQ staff as this guidance continues to be developed.

Integrated Planning for Municipal Stormwater and Wastewater

AIC recommends that the Volume 5 Guidance specifically cite the Water Infrastructure Improvement Act provisions that were signed into law on January 14, 2019, and how the Idaho IPDES program is designed to provide local communities with the new flexibilities available to meet their Clean Water Act (CWA) obligations. These updates to the CWA stem from EPA's recognition of regulated communities' needs for flexibility and codifies the integrated planning framework of the 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework.¹ AIC notes how the 2019 update requires EPA and the States with primacy for these permit programs to inform the regulated community about the available integrated planning options, and believes the Volume 5 Guidance provides an opportunity for the IDEQ to address this requirement, in part.

Background

Since 2012, EPA's IP Framework has been an important tool that has provided public clean water utilities and the communities they serve the opportunity to develop integrated management plans to better sequence and prioritize their specific CWA obligations and investments. Allowing communities to have better control over how they meet their permit obligations based on specific local infrastructure and environmental factors, as well as the needs of their ratepayers, is critical. Codifying the IP Framework within the CWA gives public utilities greater long-term certainty to provide communities of all sizes with safe, reliable, and more affordable clean water.

Many communities, especially small and rural communities, often have insufficient technical capacity and expertise to manage the increasingly complex regulatory nature of the compliance obligations before them. AIC encourages the IDEQ to work with our members to ensure technical support is being provided at the local level to navigate these statutory requirements and ensure compliance to avoid unnecessary violations.

¹ See <https://www.epa.gov/npdcs/integrated-planning-municipal-stormwater-and-wastewater#:~:text=On%20January%2014%2C%202019%2C%20the,and%20Wastewater%20Planning%20Approach%20Framework>, access 6/25/2020.

We would also like to point out that the 2019 update includes provisions to ensure that regulators integrate the use of green infrastructure throughout its CWA compliance programs. As our Idaho communities continue to address aging infrastructure and increased water quality challenges, AIC understands how green infrastructure can provide a cost-effective, environmentally friendly tool to help better manage wastewater and stormwater.

Specific Comments

Sections 4.3, 5.3, and 6.2.2 (Water Quality Based Effluent Limits and Discharge Water Quality Impaired Receiving Water)

AIC suggests these sections be reviewed and modified so that water body-specific requirements such as TMDLs, including TMDL Implementation Plans are looked to by the permittees and permit writers.

Section 6.1.2 Conditional Exclusion for Non-Exposure

AIC agrees with the content as presented in the June 18, 2020 draft Volume 5 for this topic. AIC recommends the final Volume 5 guidance include a brief clarifying example on how “treatment works” facilities may be configured to meet the “non-exposure” requirements by routing the facilities’ drainage into the treatment system, thus reducing regulatory liabilities and annual permitting fees.