



CORPORATE HEADQUARTERS

October 3, 2014

SENT VIA EMAIL TO: paula.wilson@deq.idaho.gov

Ms. Paula Wilson
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, ID 83706

Dear Ms. Wilson:

The Idaho Department of Environmental Quality recently published in the Administrative Bulletin proposed changes to the mixing zone policy found in the Water Quality Standards at 58.01.02.060. The J.R. Simplot Company (Simplot) has numerous operations in Idaho which may be subject to these proposed changes. The following comments are provided for the Department's consideration.

The proposed rule at 060.01.d provides language to describe what constitutes "unreasonable interference" with or danger to, beneficial uses. The proposed language is very problematic from the perspective of a regulated entity; it is not clear what technical demonstration must be done to determine whether or not granting a mixing zone causes "unreasonable interference." The comments provided by the Idaho Association of Commerce and Industry discuss in detail the uncertainty that exists with proposed language and offers alternate language for the Department to consider. Simplot supports those comments and recommended rule language.

The provision for utilization of "points of compliance" as alternatives to mixing zones (see 060.02) is a very workable approach for certain sources while ensuring that beneficial uses are supported. Simplot supports this provision.

While 060.02 can apply to stormwater discharges, Simplot also recommends that the rule include a specific provision that allows for a mixing zone for a stormwater discharge as long as the requirements of 060.01 are met.

We appreciate the opportunity to comment on the proposed rule change.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan L. Prouty".

Alan L. Prouty
Vice President
Sustainability & Regulatory Affairs