



February 6, 2015

Paula Wilson
Idaho Dept. of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

RE: IPDES Program: Docket No. 58-0125-1401 – Draft No.1, Confidentiality of Information

Dear Ms. Wilson:

The Idaho Department of Environmental Quality (Department), as a part of the rulemaking with establishing the Idaho Pollutant Discharge Elimination System (IPDES), has requested comments on two topics: (a) draft rule language on the confidentiality of information, and (b) what federal rules to incorporate. The Idaho Association of Commerce & Industry (IACI) is an advocate of Idaho establishing its own water point-source discharge program and has been participating in the rulemaking meetings. IACI has the following comments on these two topics.

IACI believes it is important to clarify that information that is not “effluent data” and is solely in the possession of the permittee (i.e., is not in the possession of the Department or implementing agency) is not a public record or is otherwise exempt from disclosure. This may include documents such as operation and maintenance manuals, or recordkeeping, which may be required by a permit, but which may not be required to be submitted to an agency. At this time we have no specific language changes for consideration by the Department, but we are still reviewing options for resolving this concern.

IACI supports the "hybrid" approach recommended by the Department in the *Incorporate Pertinent NPDES Rules by Reference* document. In this approach, the Department will incorporate certain federal NPDES permit rules by reference into Idaho's Administrative Code and also develop certain other required permit rules that are tailored to Idaho specific conditions and programs. As stated in earlier forums, IACI supports the Department providing as much flexibility as possible in implementing the IPDES program consistent with federal and state law.

At this time, IACI has no specific comments on the NPDES rules that the Department proposes to incorporate by reference. Our membership needs to understand the Idaho specific rules that the Department will propose. There are a number of EPA permits (stormwater and CAFO as examples) that IACI believes need revision. It would be helpful for the Department to explain its plans to create such permits and associated rules. IACI members would then be able to evaluate effectively if these rules should be incorporated by reference.

We appreciate this opportunity to provide our input on these important matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex LaBeau", is written over a faint, light blue circular stamp.

Alex LaBeau
President

cc: Alan Prouty, Chair, IACI Environment Committee