



Mayor Tammy de Weerd

**City Council Members:**

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Luke Cavener

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March 3, 2015

Paula Wilson  
Idaho Department of Environmental Quality  
1401 N. Hilton  
Boise, ID 83706

SUBJECT: IPDES Negotiated Rule Draft No. 2.0 – Public Comment

Dear Ms. Wilson,

Thank you for the opportunity to submit written comment regarding the *Negotiated Rule Draft No. 2.0* document as printed under Docket No. 58-0125-1501, dated February 13, 2015.

- Rule 100.01 EFFECT OF PERMIT – PURPOSE, states, in part: “... *The issuance of a permit does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity, and does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.*”
- Additionally, IPDES Discussion Paper #2, dated February 2015 states that “*the second sentence (of Rule 100.01) is recommended text addressing Idaho water users concerns about discharges dumping effluent into their canals without receiving authorization from the irrigation district.*”

While we recognize that canal companies in Idaho have concerns with discharges that are made without authorization into man made canals, NPDES permits currently authorize discharges into natural waterways that are Water of the United States. The draft language of Rule 100.01 creates confusion, particularly where discharges are made to natural streams, creeks, rivers or other water bodies. The language implies that there is additional obligation of dischargers to seek approval from additional parties when discharging to natural waterways (whether altered by man or not). For this reason, the language seems to be more restrictive than the current Federal CFR mandates.

The language also appears to be redundant. The first sentence of Rule 100.01 (matching existing CFR’s) conveys that a discharge cannot infringe on State or local law, or convey any property rights, or exclusive privilege. Idaho State law already affords the proper protections of irrigation and drainage under Title 42, Idaho Code.

The City of Meridian suggests striking the second sentence of draft Rule 100.01. “*The issuance of a permit does not convey any property rights or any exclusive privilege nor does it authorize*

*any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations. ~~The issuance of a permit does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity, and does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.~~*"

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Miles', followed by a long horizontal line extending to the right.

David Miles, CFM  
Surface Water Administrator  
Public Works Department  
City of Meridian

cc: Tom Barry, City of Meridian Director of Public Works  
Dale Bolthouse, City of Meridian Deputy Director of Utility Operations  
Mollie Mangerich, City of Meridian Public Works Environmental Division Manager  
Clint Dolsby, City of Meridian Public Works Assistant City Engineer