



November 8, 2010

Via email to paula.wilson@deq.idaho.gov

Idaho Board of Environmental Quality
c/o Paula Wilson, DEQ Administrative Rules Coordinator
DEQ State Office
1410 North Hilton
Boise, Idaho 83706

Re: City of Post Falls and Hayden Area Regional Sewer Board joint comments supporting pending anti-degradation rule

Ladies and Gentlemen:

The City of Post Falls ("Post Falls") and the Hayden Area Regional Sewer Board ("HARSB") write jointly to express their support of the proposed anti-degradation implementation rule, Docket number 58-01-0102-1001 (the "Anti-Degradation Plan"), which the Board is scheduled to consider at its upcoming hearing on November 10, 2010.

Post Falls and HARSB commend the Idaho Department of Environmental Quality ("DEQ") for moving forward on the Anti-Degradation Plan. We appreciate the extensive time and energy that DEQ has put into ensuring an open and informed process. DEQ has successfully kept an open communication line with the interested public and has made the Anti-Degradation Plan documents and related information readily available for review.

Post Falls owns and operates a wastewater treatment plant that serves a growing population of over 33,000 Idahoans, including the cities of Post Falls and Rathdrum and their impact areas. HARSB owns and operates a regional wastewater treatment plant located in Hayden, Idaho that serves a population of over 16,000 Idahoans in growing communities. Both facilities discharge to the Spokane River.

Post Falls and HARSB are strong environmental stewards who value clean air and water and the high quality of life that we enjoy in Idaho. We have each made significant efforts in our respective facilities to reduce nutrient loading, and we support the ongoing efforts to improve water quality in the Spokane River and in downstream waters.

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Post Falls and HARSB are directly affected by Idaho's lack of an approved Anti-Degradation Plan. The United States Environmental Protection Agency ("EPA") has indicated that Post Falls and HARSB may receive their draft renewed National Pollutant Discharge Elimination System ("NPDES") permits as early as January 2011. EPA is taking the position that the absence of an approved Anti-Degradation Plan precludes EPA from issuing NPDES permits to Post Falls and HARSB with limits that lower water quality by any measurable amount.¹ These unnecessarily harsh limits are not needed to satisfy any of Idaho's numeric or narrative water quality standards or to protect the beneficial uses of the Idaho waters to which Post Falls and HARSB discharge. We have every reason to believe DEQ and EPA will approve the necessary lowering of water quality once the Anti-Degradation Plan is approved. However, we need the approval process to be expedited so that we do not have to go through the cost and uncertainty of having EPA issue permits with unnecessarily low limits which we have to challenge or subsequently modify.

Our need to resolve the anti-degradation issue is especially acute because Post Falls and HARSB are involved in a significant dispute with EPA regarding the validity of the Total Maximum Daily Load that EPA recently approved for the Spokane River and Lake Spokane (the "Spokane TMDL"), as well as the application of the Spokane TMDL to the Post Falls and HARSB NPDES permits. Our permitting issues become extremely uncertain and risk becoming impossible to solve if the Spokane TMDL issues were to be piled on top of the anti-degradation issue. Please move the Anti-Degradation Plan forward so we can take at least one issue off our plates.

Approval of the Anti-Degradation Plan will not only help Post Falls and HARSB, but, on a larger scale, we believe approval will benefit the State of Idaho as a whole. The plan provides a level of certainty and understanding that are important to municipalities and to industry and a strong level of protection to citizens who value clean water.

In conclusion, Post Falls and HARSB strongly urge the Board to approve the Anti-Degradation Plan, including its recent staff revisions. Mayor Larkin of Post Falls expects to address you at the hearing on November 10. Thank you for your consideration, and please do not hesitate to contact either of us if you have any questions.

Sincerely,



Ronald B. McIntire, Chairman
Hayden Area Regional Sewer Board

Clay Larkin, Mayor
City of Post Falls

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¹ For the record, Post Falls and HARSB disagree. We believe that federal requirements are satisfied if DEQ applies the anti-degradation requirements on a case-by-case basis as part of the 401 certification process.