



June 18, 2010

Ms. Paula J. Wilson, Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706-1255  
Via e-mail: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

RE: Idaho Transportation Department's Comments on *Idaho Department of Environmental Quality's Negotiated Rule Draft No. 4, Docket No. 58-0102-1001, Antidegradation Implementation Procedures Dated June 9, 2010*

Dear Ms. Wilson:

We appreciate the open participatory process and look forward to further discussion, clarification, and review of the Draft Antidegradation Rule. We support the IDEQ policy goals to protect Idaho's water quality. Further clarification on the following implementation items would address ITD concerns about potential impacts to our program delivery.

#### **052.02 Initiation of Antidegradation Review**

Our primary concern is the lack of clear language in the proposed rule regarding the role of the National Pollutant Discharge Elimination System - Construction General Permits (CGP).

Stormwater discharges from highway construction projects are intermittent and transient, and not truly representative of a point source discharge. The provisions of the CGP are designed to protect and maintain water quality during construction. The Permit provisions include requirements to comply with current water quality standards. Permit holders that comply with the provisions are not likely to cause significant or long term degradation of water quality in Idaho.

Stormwater dischargers seeking coverage under the Permit are required to identify pollutants on a project by project basis, and to design and implement controls and Best Management Practices (BMPs) into the project design to prevent or reduce potential pollutant discharges during construction. The new 2011 CGP will contain even more stringent pollution prevention requirements, with both non-numeric pollution prevention requirements and effluent limitation guidelines.

IDEQ has verbally indicated they do not intend to require individual project antidegradation reviews for construction projects permitted by the CGP. ITD requests IDEQ modify 052.02 to read "*Review of degradation potential ... will be triggered by an application of a new or reissued individual permit*" to clarify the antidegradation review is not triggered by a project notice of intent for CGP coverage.

### **052.06.c Insignificant Discharge**

Predictable cost and schedule for environmental reviews and approvals, including 401 certifications and 404 permits, is a critical component in our project delivery. We believe most of our projects will meet the criteria of "Insignificant Discharge"; however the draft rule needs more detail to assess when a project is a candidate for this exemption from the alternatives analysis. Please add clarifying language to 052.06c such as "*Permitted discharges from a project with Construction General Permit coverage is considered insignificant*". Further detail on the approval process and public involvement schedule is also needed.

Thank you for the opportunity to comment.

Sincerely,

Sue Sullivan  
Environmental Section Manager