

June 25, 2015

CCN 236057

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

SUBJECT: Idaho Pollutant Discharge Elimination System Negotiated Rule Combined Drafts 1 through 4 and Definitions – Written Comments

Dear Ms. Wilson:

Idaho National Laboratory (INL) is submitting the following comments regarding the Idaho Pollutant Discharge Elimination System Negotiated Rule Combined Drafts 1 through 4 and Definitions, Docket No. 58-0125-1401, dated June 5, 2015, IDAPA 58.01.25:

- 1. Section 1.02, Scope.** The scope of the rule is to “...*establish procedures and requirements for the issuance and maintenance of permits for facilities required by Idaho Code and the Clean Water Act to have requested and received authorization to discharge pollutants to a surface water of the state.*” It appears to be the intent of the rule to regulate surface water only, therefore, a definition for “surface waters of the state” in Section 10, Definitions, is recommended.
- 2. Sections 3.03.bb.vi and 10.109.** Section 3.03.bb.vi states: “*The term Waters of the United States means waters of the state of Idaho.*” Section 10.109 states: “*Waters and Waters of the State. All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state.*” The definition of Waters and Waters of the State is significantly more restrictive (e.g., regulating groundwater) than the Environmental Protection Agency (EPA) definition of Waters of the United States. Idaho Code 39-3601, Declaration of Policy and Statement of Legislative Intent states: “*It is the intent of the legislature that the state of Idaho fully meet the goals and requirements of the federal clean water act and that the rules promulgated under this chapter not impose requirements beyond those of the federal clean water act.*” INL suggests deleting the definition and use of the term “Waters of the State” and replacing it with the new definition for “surface waters of the state” that is equivalent to the EPA definition of Waters of the United States.
- 3. Sections 102.01, 102.02, etc.** The terms “surface water” and “waters of the state” are used interchangeably throughout the proposed rule. For consistency and clarity, INL suggests using the term “surface waters of the state,” throughout the proposed rule.

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Thank you for the opportunity to comment on the draft rule. If you have any questions regarding these comments, please contact Mike Lewis at 526-0623.

Sincerely,



Timothy A. Miller, Director  
Environmental Support and Services

MGL:CMM

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