



P.O. Box 1907

324 Hansen Street East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2293

---

*ENGINEERING*

*208-735-7265*

July 16, 2015

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

Re: CITY OF TWIN FALLS COMMENTS TO IPDES DISCUSSION PAPER #5  
(FEE SCHEDULES)

Dear Ms. Wilson,

As part of the rulemaking process for the Idaho Pollutant Discharge Elimination System (IPDES) program, the Idaho Department of Environmental Quality (DEQ) has received several comments on the various topics discussed. The City of Twin Falls (City) has reviewed and supported the majority of comments that are represented by AIC. The City would like to provide comments on Discussion Paper #5 (Fee Schedules) that was presented on May 15, 2015, at one of the IPDES negotiated rulemaking meetings.

The City agrees with the State of Idaho taking over its own point-source discharge program and can see the long term benefits of doing so. The dual approach proposed by DEQ on funding the program going forward is reasonable to the City, as long as an application fee and/or an annual fee is assessed to every permittee covered under the IPDES program. The City believes that assessing a fee proportionately funds the IPDES program initially, and allows for equitable burden adjustments for some of the funding challenges that may arise over time. Table 13 on page 11 of the discussion paper shows the final breakdown of what the fee schedule will be for the IPDES program. A concern the City has is that if the general state funds and federal funds diminish over time, the burden of the IPDES program would be funded by only three categories, and the other categories will have no apparent financial requirement to operate under the IPDES program.

In the discussion paper, DEQ evaluated different scenarios of funding the program including general state funds, federal funds, and the permitted category funding portion. DEQ choose to present draft fees based on the 50% scenario. However, the current state and federal fund burden only covers approximately 30% of the program as identified in Table 4 on page 4 of the discussion paper. It may be more suitable for DEQ to show how the state would fund the IPDES program under the current scenario of approximately 30% in order to provide a more conservative estimation.

On page 4 of the discussion paper DEQ states that general state funds will be used for program administration, general permit writing, and emergency, training, and nonpermitted facility activities. The City would agree that it is appropriate to use the general funds for the program administration and for emergency, training, and nonpermitted facility activities because these funds are not easily attributed to specific permit categories. But, using these funds for general permit writing and compliance, inspection, and enforcement (CIE) would not be appropriate in the City's view, since general permit costs could be recovered through either an application fee and/or annual fee for those permitted under these general permits. Any excess general and federal funds could be distributed over the whole IPDES program equitably. Excluding a particular permitted group from supporting the IPDES program demonstrates a bias to one particular permitted group over another. The general permittees should pay an application fee and/or annual fee suitable to the level of effort associated with all aspects of managing general permittees.


The City recognizes that individual permits could potentially require more time and effort in the preparation of general permits. Yet, it is unclear how DEQ will assess CIE activity expenses equitably for each permittee under the IPDES program. DEQ shows that CIE will require more than 50% of the FTEs to operate the IPDES program on page 3, but only three permitted categories will pay for the fee burden costs not covered by the state and federal funds. It should be considered that all permitted categories covered under either a general or individual permit could take a substantial amount of time and effort in the CIE portion of the IPDES program, and having only three categories cover the cost of all permitted categories would not be equitable.

As noted by the City in the May 15, 2015 meeting, under the general stormwater permit, the City is required to file a notice of intent (NOI) along with the general contractor seeking coverage for projects. This double filing could lead to inaccurate general stormwater permit numbers and could potentially be a "double dipping" situation.

DEQ is proposing using and equivalent dwelling unit (EDU) to calculate the municipal discharge fee burden under the IPDES program. The City would suggest that the IPDES municipal discharge fee be based on the current water tap connections reported to DEQ's Water Quality Division every year for potable water connections. This number would more accurately represent the users of municipal systems and provide a consistent number of users.

Thank you for your consideration. If you have any further questions or concerns please contact me at (208) 735-7272 or [jbrown@tfid.org](mailto:jbrown@tfid.org).

Sincerely,



Jacqueline D. Fields, P.E.

City Engineer

Cc: Jason Brown, Environmental Engineer  
File