



Mayor Tammy de Weerd

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July 24, 2015

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

SUBJECT: IPDES Negotiated Rule Complete Draft IPDES Rules_v2 – Public Comment

Dear Ms. Wilson,

Thank you for the opportunity to submit written comment regarding the *Negotiated Rule Complete Draft IPDES Rules_v2* document as posted under Docket No. 58-0125-1501, dated July 10, 2015.

- o Rule 100.01 EFECT OF PERMIT – PURPOSE, states, in part: “... *The issuance of, or coverage under, an IPDES 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.*”

As noted in IPDES Discussion Paper #2, we recognize that canal companies in Idaho may have concerns with discharges that are made without authorization into man made canals. However, Federal NPDES permits currently authorize discharges into multiple sources including natural waterways that are Water of the United States.

The draft language contained in the second sentence of Rule 100.01 creates confusion, particularly where discharges are made to natural streams, creeks, rivers or other natural water bodies. Natural waterways (whether altered or not) are elements of drainage basins and entities have had historical rights of drainage of the lands in such basins. The language also appears to be redundant. The first sentence of Rule 100.01 (matching existing 40 CFR 122.5 (b) and (c)) 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.

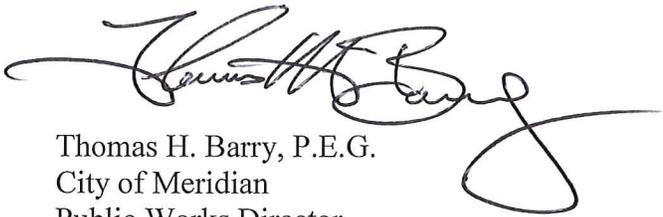
Moreover, the proposed language represents creep of the intent of the EPA NPDES permitting process for discharge permits and seems to imply additional policing powers of DEQ during the permit review process. The proposed language suggests that there may be additional obligations, imposed by DEQ prior to permit issuance, for dischargers to seek approval from additional parties. More restrictive requirements and delays under State IPDES permitting could result in

injury to dischargers. Further, there is concern as to whether or not DEQ will have the necessary resources, time and expertise to enforce these additional requirements during any State permitting process.

For these reasons, the language seems to be more restrictive than the current Federal CFR mandates and the EPA NPDES permitting process for waste water dischargers.

The City of Meridian recommends the draft language identified above be stricken.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Barry". The signature is fluid and cursive, with a large loop at the end.

Thomas H. Barry, P.E.G.
City of Meridian
Public Works Director

cc: 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
David Miles, City of Meridian Public Works Management Analyst