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Idaho Conservation League

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May 3, 2016

Troy Smith
IPDES Rules and Guidance Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Submitted via email: Troy.Smith@deq.idaho.gov

Re: Idaho Conservation League Comments re Idaho Pollutant Discharge Elimination System Program: User's Guide to Permitting and Compliance — Volume 1

Dear Mr. Smith;

Since 1973, the Idaho Conservation League (ICL) has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality, fisheries and the health of Idaho residents – the development of IPDES guidance and implementation documents is a critical aspect of protecting these interests.

3.2.5. We support the inclusion of language related to hydraulic connectivity.

4.3 We believe that the addition of language (below) related to an exception to the 180 timeliness clock is counter to the requirements and language of the Clean Water Act.

DEQ proposed to add the following language:

If the applicant cannot submit a complete application at least 180 days prior to permit expiration or beginning discharge, they must obtain DEQ's written approval in advance of the 180 day requirement.

An application is only timely if it judged to be complete and filed prior to 180 days before the original permit expires. If an application is not timely and complete, the discharger is not eligible to receive and administrative extension of its permit. The language that DEQ proposes is not consistent with the Clean Water Act and should not be added to the guidance document.

5.1.2.2 Determine Applicable Water Quality Standards – Within this section, DEQ references “Idaho Antidegradation Implementation Procedures (DEQ 2016 draft).” We

are concerned that DEQ is utilizing a draft document. There is no way of telling what changes might be integrated into the final version of “Idaho Antidegradation Implementation Procedures.” The final could be substantially different than the cited draft. We advocated that DEQ finalize the Antideg Procedures and then finalize the IPDES guidance.

6.4.3.2 General Permits – DEQ needs to add information to the section on antideg that clarifies how antideg review will be undertaken and contained within a general permit. Will this review be done as the GP is being developed, or will the review be done for each discharger at the time that the discharger seeks coverage under the GP?

6.4.5.2 BMPs – this section lacks language stating that BMPs included in GP’s are enforceable. The section on BMPs that is in the chapter on individual permits includes such language. This section needs to mirror that language.

Chapters 7 and 8 – Time constraints on our side have kept us from adequately reviewing these two chapters. We would appreciate the opportunity to provide comments on chapters 7 and 8 at a latter date.

Please contact me if you have any questions at 208-345-6933 x 24 or jhayes@idahoconservation.org

Sincerely,



Justin Hayes
Program Director