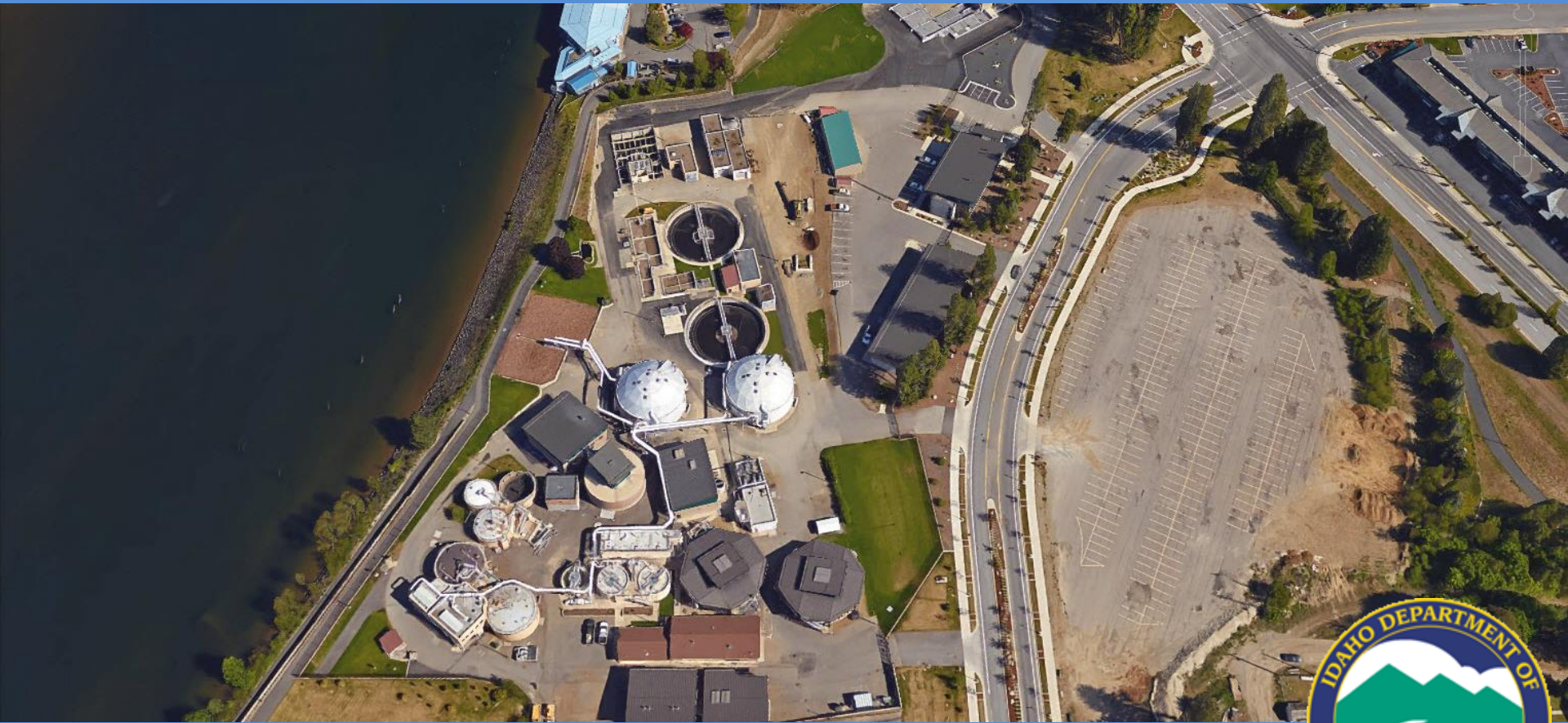


IPDES Guidance Development Meeting



December 13, 2017



General Housekeeping

- **Everyone sign in**
- **Cell phones off/muted**
- **Mute phones lines**
- **Speak into a microphone**
- **One speaker at a time—be respectful**
- **Participation encouraged!**

Meeting Agenda

**Draft Agenda
Idaho Pollutant Discharge Elimination System Program
Guidance Development Meeting
December 13, 2017, 9 a.m. to 12 p.m.
DEQ Conference Rooms A & B**

1. Introductions and meeting objectives
2. Effluent Limit Development Guidance (ELDG) – final
 - a. Revisions
 - b. Response to comments
3. User's Guide Volume 2 (POTW) – final
 - a. Revisions
 - b. Response to comments
4. 2018 Guidance Development
 - a. User's Guide Volume 3 (Industrial)
 - b. Reasonable Potential Analysis Spreadsheet
 - c. Permit Writer Supplemental
5. 2018 Guidance Schedule
 - a. February 6 – Reasonable Potential Analysis Spreadsheet
 - b. April 4 – Permit Writer Supplement / User's Guide Volume 3
 - c. May 30 – Permit Writer Supplement / User's Guide Volume 3
 - d. July 25 – Permit Writer Supplement / User's Guide Volume 3
 - e. September 19 – User's Guide Volume 3
 - f. December 12 – User's Guide Volume 3 (final)

ELDG – Final (Draft)

- **Tech editing revisions made throughout**
- **October meeting and written comments**
 - **US Environmental Protection Agency (EPA)**
 - **Association of Idaho Cities (AIC)**
 - **Mike Settell**
- **DEQ to post**
 - **Final guidance**
 - **Response to comments**

ELDG – Final (Draft)



User's Guide Volume 2 (POTW) – Final

- **Tech editing revisions made throughout**
- **October meeting and written comments**
 - EPA
 - AIC
 - Mike Settell
- **DEQ posted**
 - Final guidance
 - Response to comments

ELDG – “Final” (Draft)

- **Address:**
 - **General Comments**
 - **Comments Sequentially by Section**

General - Use of “Engineer”

Mike Settell – #1

The guidance presumes that the Engineer is the only professional that complete the application. Please replace the word “engineer” with “environmental professional”. This does not exclude qualified individuals from completing the work. My suggestion applies to all cases where the word “engineer” appears.

DEQ does not use the term “engineer” in the ELDG or the User’s Guide Volume 2. The term “engineering” is used in association with specific items such as “aspects,” “plans,” and “reports” and remains in the guidance.

Section 3.7.1, pages 130-131

Nutrients

Idaho Power Co – #1

It was disclosed at the meeting held on October 10, 2017 that additional work is being done on the portion of the Effluent Limit Development Guidance ... content in this section is expected to be presented ... in the spring 2018. ... Idaho Power would like to reserve the opportunity to provide additional comments ...

Section 3.7.1, pages 130-131

Nutrients

Idaho Power Co – #1

DEQ will begin holding meetings and comment periods in spring 2018 for the Permit Writers Supplement, which may include content addressing nutrients.

Abbreviations and Acronyms, page viii-ix

EPA Water Permits – #1

Recommend adding two Acronyms used in the document –

**Toxicity Identification Evaluations (TIEs)
and**

Toxicity Reduction Evaluations (TREs).

Abbreviations and Acronyms, page viii-ix
DEQ Response
EPA Water Permits – #1

DEQ did not add the two acronyms because they are not used in the ELDG text.

Section 2.1, page 6, TBELS for POTWs EPA Region 10 – #1

The first paragraph should note that a POTW is a treatment works which is owned by a state or municipality. This section should also point out that permits for other treatment works may include conditions similar to POTW permits, as described in Section 2 of the IPDES User's Guide to Permitting and Compliance Volume 2.

Section 2.1, page 6, TBELS for POTWs DEQ Response - EPA Region 10 – #1

DEQ clarified that POTWs are owned by a state or municipality. DEQ also added the final sentence to the section, “Secondary treatment and equivalent to secondary treatment standards may also be appropriate for privately owned domestic sewage treatment works and sewer districts because they receive sewage of similar quality and use comparable treatment technologies, supporting the permit writer’s application of these standards by BPJ.”

Section 2.1.3.1, page 11, Determine Appropriate Standards to Apply EPA Region 10 – #2

The statement that, for new facilities using trickling filters or waste stabilization ponds, “the ultimate design capability of the treatment processes (waste stabilization ponds, trickling filters, or both), geographical and climatic conditions, and the performance capabilities of recently constructed facilities in similar situations should be considered when determining which standard applies,” should be supported with references to the preamble to the secondary treatment regulation (49 FR 37002, September 20, 1984) and 40 CFR 133.105(f)(2). See also the US EPA NPDES Permit Writers’ Manual at Section 5.1.3.1.

Section 2.1.3.1, page 11, Determine Appropriate Standards to Apply DEQ Response - EPA Region 10 – #2

DEQ added the following two sentences to address the comment, “When a new waste stabilization pond or trickling filter is permitted, adjustments to the permit limits may apply, but no adjustment less stringent than specified in 40 CFR 133.105(a)–(e) will be made. For existing facilities, it may be determined that more stringent limits may apply for a reissued permit after reviewing past performance data as specified in 40 CFR 133.105(f).”

Section 2.2.2.4, page 26, Determine whether Existing or New Source Standards Apply EPA Region 10 – #3

As written, this section implies that new source performance standards (NSPS) are applicable to new dischargers in addition to new sources. ... terms “new discharger” and “new source” are distinct. NSPS are applicable to “new sources,” not to “new dischargers.”

... “new dischargers are required to meet the requirements of their applicable technology-based guidelines before they begin discharging” is misleading. ... 40 CFR 122.29(d)(4), ... “shall install and have in operating condition, and shall ‘start-up’ all pollution control equipment required to meet the conditions of its permits before beginning to discharge.” ... this does not mean ... dischargers “are required to meet the requirements of their applicable technology-based guidelines before they begin discharging,” ... 40 CFR 122.29(d)(4) ... provides that “within the shortest feasible time (not to exceed 90 days), the owner or operator must meet all permit conditions.” ...

Section 2.2.2.4, page 26, Determine whether Existing or New Source Standards Apply DEQ Response - EPA Region 10 – #3

***DEQ copied a portion of the NPDES Permit Writers' Manual Exhibit 5-8 as the ELDG's Table 7, which shows that NSPS are applicable to "New Direct Dischargers."
DEQ did revise section 2.2.2.4 to clarify that discharger may be granted a grace period, not to exceed 90 days, to tune the pollution control equipment, as expeditious as possible, to meet all permit conditions (40 CFR 122.29(d)(4)).***

Section 2.2.2.5.1, page 27-28, Calculating M-B TBELs for Prod-Norm Effluent Guidelines EPA Region 10 – #4

This section states that “the production rate used in the production-normalized TBEL calculation should be representative of the actual production likely to prevail during the next term of the permit...” The use of the word “should” implies that this is only a recommendation, from which permit writers may deviate. In fact, the use of “a reasonable measure of actual production of the facility” is a regulatory requirement (40 CFR 122.45(b)(2)(i)). The use of alternate limitations based on anticipated increased or decreased production levels is discretionary (40 CFR 122.45(b)(2)(ii)).

**Section 2.2.2.5.1, page 27-28, Calculating M-B
TBELs for Prod-Norm Effluent Guidelines
DEQ Response - EPA Region 10 – #4**

DEQ corrected the discrepancy by replacing "should be representative" with "...must be...Based upon a reasonable measure..." DEQ also included the appropriate IDAPA references (58.01.25.303.02.b.i and ii) to clarify which aspect is required versus discretionary.

Section 3, page 47, WQBEL Calculations AIC – #4

DEQ has stated they intend to adopt the "Idaho TSD Workbook template rev 0827171.xls" spreadsheet from EPA as is for WQBEL calculations and effluent limitations. This spreadsheet contains extensive EPA policy inherent to the calculations performed. AIC requests DEQ present this spreadsheet and its inherent policy and technical aspects for public comment.

Section 3, page 47, WQBEL Calculations DEQ Response – AIC – #4

DEQ intends to present the reasonable potential analysis (RPA) spreadsheet at the initial 2018 guidance development meeting. Many of the calculations and policies inherent to the RPA workbook are discussed throughout the ELDG, which has gone through public comment. Further, the RPA workbook calculations and resulting effluent limits will be described in each permit's fact sheet which is available for public comment as part of the IPDES permit development process.

**Section 3.1, page 47,
Characterize the Effluent
EPA Region 10 – #5**

The opening sentence of this section states that “the permit writer uses information from the permit application to identify pollutants that may be discharged by the facility and impact the receiving water.” In fact, the permit application is just one of several sources of information that a permit writer should consider when identifying pollutants of concern. Although this is clear from the subsequent discussion, this sentence should be revised to be more general.

**Section 3.1, page 47,
Characterize the Effluent
DEQ Response – EPA Region 10 – #5**

DEQ revised the introductory sentence, identifying that “The permit writer typically uses information from various sources...” to determine pollutants of concern.

**Section 3.1.2, page 49,
Identify Effluent Critical Conditions
EPA Region 10 – #6**

The final sentence in this section states that “Receiving water critical conditions are presented in Section 0.” The section reference is incorrect; the correct reference is Section 3.2

**Section 3.1, page 47,
Characterize the Effluent
DEQ Response - EPA Region 10 – #6**

DEQ corrected the reference to section 3.2.

**Section 3.2.1, page 50,
Receiving Water Upstream Flow
EPA Region 10 – #7**

The statement that “DEQ will assess non-flowing water bodies on a case-by-case basis” is unnecessarily vague. Since this statement appears in a section that concerns critical flows for flowing receiving waters, which are an important consideration for water quality-based effluent limits (WQBELs) and mixing zones, this section should reference the section of the guidance addressing mixing zones for non-flowing waters (3.4.3.4.2).

**Section 3.2.1, page 50,
Receiving Water Upstream Flow
DEQ Response - EPA Region 10 – #7**

***DEQ added a reference to section 3.4.3.4.2
for nonflowing waters.***

**Section 3.2.1.1, page 51,
Use DFLOW
EPA Region 10 – #8**

In this section, DEQ proposes to delete the word “continuous” when discussing the data requirements for calculations of critical stream flows using DFLOW.

“Continuous” should not be simply deleted, but rather replaced with “daily.” This section should point out that biologically-based critical flows (e.g., 1B3, 4B3, and 30B3) may be calculated from only three years of daily flow data.

**Section 3.2.1, page 50,
Receiving Water Upstream Flow
DEQ Response - EPA Region 10 – #8**

***DEQ replaced “continuous” with “daily”
and clarified that “...4B3 requires 3 years
of daily flow data.”***

**Section 3.2.1.2, page 53-54,
Move Upstream or Downstream
EPA Region 10 – #9**

The portion of the first sentence including and after the word “provided” should be deleted. It is clear from the subsequent discussion that diversions and additional sources of flow must be accounted for when using a stream gauge located significantly upstream or downstream from the permitted source to calculate critical stream flows.

**Section 3.2.1.2, page 53-54,
Move Upstream or Downstream
DEQ Response - EPA Region 10 – #9**

***DEQ removed the portion of the sentence
after the word “provided.”***

**Section 3.2.3, page 53-54,
Other Receiving Water Characteristics
EPA Region 10 – #10**

The phrase “For water bodies other than free-flowing rivers and streams” in the first sentence of this section should be deleted. The need to consider critical conditions other than flow is not limited to “water bodies other than free-flowing rivers and streams.”

**Section 3.2.3, page 53-54,
Other Receiving Water Characteristics
DEQ Response - EPA Region 10 – #10**

***DEQ has removed the qualifying statement
“for water bodies other than free-flowing
rivers and streams.”***

Section 3.3, page 54,

Determine Applicable Water Quality Stds (WQS)

EPA Region 10 – #11

In the second paragraph of this section, the first sentence should be revised to read “WQS define water quality goals and pollutant limits that support beneficial uses.” Propagation of fish, shellfish, and wildlife and recreation in and on the water are not the only beneficial uses that are protected by the water quality standards.

Section 3.3, page 54,

Determine Applicable Water Quality Stds (WQS)

DEQ Response - EPA Region 10 – #11

DEQ has incorporated the suggested change.

Section 3.3.2.1, page 55-56, Numeric Criteria – Aquatic Life EPA Region 10 – #12

The description of the durations for ammonia criteria is incomplete. Idaho's ammonia criteria also include a 4-day average criterion in addition to the 1-hour CMC and 30-day CCC (IDAPA 58.01.02.250.02.d.ii.(2)).

The statement that “DEQ's dissolved oxygen WQS include both minimum concentrations and percent oxygen saturation that must be maintained” is misleading, because dissolved oxygen criteria expressed as percent oxygen saturation are specific to the salmonid spawning use, which applies “in areas used for spawning and during the time spawning and incubation occurs” (IDAPA 58.01.02.250.02.f.i.(2)(a)).

**Section 3.3.2.1, page 55-56,
Numeric Criteria – Aquatic Life
DEQ Response - EPA Region 10 – #12**

DEQ has clarified that, “Ammonia criteria use 1-hour CMC and 30-day CCC durations, and the highest 4-day average within the 30-day period should not exceed 2.5 times the 30-day CCC.”

DEQ revised the third paragraph of section 3.3.2.1, “IDAPA 58.01.02.250.02.f specifies dissolved oxygen minimum concentrations, and in waters designated for salmonid spawning, percent oxygen saturation that must be maintained.”

Section 3.3.2.2, page 60, Numeric Criteria – Human Health EPA Region 10 – #13

This section states ... “all Idaho human health numeric chemical criteria are based on an annual harmonic mean and are not to be exceeded.” This statement ... has not yet been approved by the EPA ... In general, the human health water quality criteria that are in effect for Clean Water Act purposes are those published in the 2005 Idaho Administrative Code. ... the EPA stated ... that “we recommend harmonic mean flow to calculate permit limits and taking the geometric mean of ambient water samples to determine attainment” (65 FR 66455).

**Section 3.3.2.2, page 60,
Numeric Criteria – Human Health
DEQ Response - EPA Region 10 – #13**

- *DEQ has removed reference to annual harmonic mean and the 2.4 L/day drinking water consumption, leaving the section more general and applicable to any change that may or may not be made to the water quality standards.*

**Section 3.3.2.3, page 60,
Narrative Criteria
EPA Region 10 – #14**

This section should point out that IPDES permits must ensure compliance with narrative water quality criteria in addition to numeric water quality criteria and should cite IDAPA 58.01.25.302.06.a.vi and the federal regulation 40 CFR 122.44(d)(1)(vi).

**Section 3.3.2.3, page 60,
Narrative Criteria**

DEQ Response - EPA Region 10 – #14

DEQ included text and a reference to IDAPA 58.01.25.302.06.a.vi to address circumstances in which numeric water quality criterion have not be established. DEQ did not include the CFR reference because the IDAPA reference corresponds to the CFR

**Section 3.3.2.3.1, page 60-61,
Considerations for WET
EPA Region 10 – #15**

This section should cite Section 2.3.3 (Page 35) of the EPA’s Technical Support Document for Water Quality-based Toxics Control as the basis for the stated “typical” interpretations of Idaho’s narrative water quality criteria, for acute and chronic toxicity.

**Section 3.3.2.3.1, page 60-61,
Considerations for WET
DEQ Response - EPA Region 10 – #15**

***DEQ has included a citation to the TSD
section 2.3.3.***

**Section 3.3.2.5, page 61,
Variances and Intake Credits
EPA Region 10 – #16**

The first sentence of this section is awkwardly worded. This could be addressed by deleting the words “from requirements.”

**Section 3.3.2.5, page 61,
Variances and Intake Credits
DEQ Response - EPA Region 10 – #16**

- ***DEQ deleted “from requirements.”***

**Section 3.3.3.2, page 64-66,
Determining Applicable Tiers of Protection
EPA Region 10 – #17**

**Figure 4 is a low-resolution image
(perhaps obtained via a screen capture).
Please replace with a higher-resolution
image.**

**Section 3.3.3.2, page 64-66,
Determining Applicable Tiers of Protection
DEQ Response - EPA Region 10 – #17**

***DEQ replaced Figure 4 with an image
adapted from the Idaho Antidegradation
Implementation Procedures Guidance.***

Section 3.4, page 66-68, Reasonable Potential EPA Water Permits – #2

Define Reasonable Potential”, pg. 67, last paragraph, last sentence – sentence does not contain all three parts of reasonable potential (RP) as is provided in the first paragraph of this section which includes “...will cause, have the reasonable potential to cause, or contribute to an excursion...” Therefore, the last sentence is inconsistent with the first paragraph in this section and is also inconsistent with EPA RP regulations. It is missing the “potential to cause.” Sentence says only, “...reasonable potential to cause or contribute to an excursion...”

**Section 3.4, page 66-68,
Reasonable Potential**

DEQ Response – EPA Water Permits – #2

DEQ made text changes in several locations of the ELDG to include “will cause, have the reasonable potential to cause, or contribute to an excursion...”

**Section 3.4.2, page 67-68,
Assess Critical Conditions
EPA Region 10 – #18**

The first full paragraph on Page 68 has an incorrect reference to section “0.” We believe the correct reference is Section 3.2.

**Section 3.4.2, page 67-68,
Assess Critical Conditions**

DEQ Response - EPA Region 10 – #18

***DEQ has corrected the section reference to
3.2.***

**Section 3.4.3, page 74,
Establish an Appropriate Mixing Zone
EPA Region 10 – #19**

In Table 22, the direction for the consideration, “Are acute water quality criteria predicted to be exceeded in the mixing zone?” should include a decision as to whether a zone of initial dilution should be approved.

**Section 3.4.3, page 74,
Establish an Appropriate Mixing Zone
DEQ Response - EPA Region 10 – #19**

DEQ did not make a change—as part of the mixing zone evaluation and potential authorization, DEQ will evaluate the spatial extent and potential for acutely toxic conditions within the mixing zone, and subsequently the zone of initial dilution. Table 22 provides a summary of various considerations that go into a mixing zone evaluation, it is not meant to define the authorization process for a mixing zone or zone of initial dilution. The decision process for authorizing a mixing zone is more accurately depicted in Figure 6 and is ultimately guided by the rule language at IDAPA 58.01.02.060.01.

Section 3.4.3.2.1, page 77-78, Toxicity to Aquatic Organisms EPA Region 10 – #20

The final scenario (#4) ... reads, “A drifting organism, when traveling through the path of maximum exposure, would pass through the acute mixing zone within 15 minutes.” ... is inconsistent with Section 2.2.2 of the TSD ... which states that: “If a full analysis of concentrations and hydraulic residence times within the mixing zone indicates that organisms drifting through the plume along the path of maximum exposure would not be exposed to concentrations exceeding the acute criteria when averaged over the 1-hour (or appropriate site-specific) averaging period for acute criteria, then lethality to swimming or drifting organisms ordinarily should not be expected, even for rather fast-acting toxicants. In many situations, travel time through the acute mixing zone must be less than roughly 15 minutes if a 1-hour average exposure is not to exceed the acute criterion.” ... limiting travel time ... to 15 minutes is a rule of thumb ...

Scenario #4 should be rewritten to be consistent with Section 2.2.2 of the TSD.

Section 3.4.3.2.1, page 77-78, Toxicity to Aquatic Organisms

DEQ Response - EPA Region 10 – #20

- *DEQ did not make a change—the language in scenario #4 is not inconsistent with the intent of the TSD. Rather, it is a simplification of the TSD rule of thumb that the comment references. This text was adapted from the Idaho Mixing Zone Implementation Guidance that was submitted to EPA along with the Mixing Zone Policy rule and is awaiting action by EPA Region 10. DEQ does not intend to change language in the Idaho Mixing Zone Implementation Guidance until EPA has decided on an appropriate action regarding the Mixing Zone Policy.*

Section 3.4.3.2.3, page 78-79, Zone of Passage AIC – #5

Some of the avoidance threshold concentrations in Table 23 are very low values in relation to typical metals concentrations in municipal wastewater and even ambient concentrations in some receiving waters. These values in Table 23 will function as effective receiving water numeric standards without ever having been subject to the necessary and appropriate scrutiny of a formal rule-making process for water quality criteria. AIC has previously commented on and expressed concern about this topic and has requested that these values be removed from the ELDG.

**Section 3.4.3.2.3, page 78-79,
Zone of Passage
DEQ Response – AIC – #5**

DEQ did not make a change—the metal values listed in Table 23 were obtained from Table 2 of the Idaho Mixing Zone Implementation Guidance. These values are thresholds and not expressed as water quality criteria.

**Section 3.4.3.4.1, page 84-87,
Flowing Waters
EPA Region 10 – #21**

In Table 24, “Phosphorus” should be replaced with the more general term “Nutrients.” The paragraph at the top of Page 86, discussing the methods for determining low flows, should reference Section 3.2.1.

**Section 3.4.3.4.1, page 84-87,
Flowing Waters**

DEQ Response – EPA Region 10 – #21

***DEQ replaced the subheading
“Phosphorus” with “Nutrients” in Table 24
and added a reference to section 3.2.1 in
the subsequent text.***

**Section 3.4.4, page 106-111,
Conduct a Reasonable Potential Analysis (RPA)
EPA Region 10 – #22**

An alternative to Equation 26 should be provided for cases where dilution cannot be expressed as percentage of stream flow (e.g., a modeled dilution factor for a discharge to a non-flowing waterbody). This is addressed for effluent limit calculations in Section 3.5.1.1.2 (Equation 31).

**Section 3.4.4, page 106-111,
Conduct a Reasonable Potential Analysis (RPA)
DEQ Response – EPA Region 10 – #22**

DEQ revised Equation 32 for non-flowing water bodies and inserted it as Equation 27 below Figure 10.

Section 3.4.4.1, page 111, Insufficient Data Available to Est WQBEL / RPA AIC – #1

When determining the need for a WQBEL, a permit writer uses any available effluent and receiving water data ... information pertaining to the discharge and receiving water ... the permit writer may include data collection and reporting as a condition of the new permit (Section 3.4.4, pg. 106). Section 3.4.4.1 states ... when the permit writer determines that monitoring is required , the ..."permit will include effluent and receiving water monitoring and reporting requirements that allow DEQ to complete an RPA and evaluate any appropriate mixing zones." ... AIC recommend the DEQ

- (1) support reliable, appropriate, and sufficient data collection by allowing sufficient time to collect data prior to the establishment of costly effluent limits; and**
- (2) avoid schedules of compliance and data collection conditions that have to potential to lead to major permit modifications..**

**Section 3.4.4.1, page 111,
Insufficient Data Available to Est WQBEL / RPA
DEQ Response – AIC – #1**

- ***DEQ will take these recommendations into consideration where allowed under the CWA.***

**Section 3.5, page 112,
Early Nutrient Reduction Incentive
AIC – #10**

Add a subsection introducing the background and concept of a Voluntary Early Nutrient Reduction Incentive Program.

Section 3.5.4, page 112, Early Nutrient Reduction Incentive AIC – #11

New subsection 3.5.4 Voluntary Early Nutrient Reduction Incentive Program. An incentive program will encourage utilities to make voluntary reductions of nutrients earlier than required and in exchange the utility will receive an extended compliance schedule for final effluent limits. ... Extended compliance schedule time will be earned for each month in which actual effluent performance bests interim limits, in proportion to the extent of attained towards the final limits based on linear scaling. Incentive months earned will be tracked monthly and summarized annually. Incentive months can be earned and accumulated over a period of years. Incentive months earned will be rounded down to the nearest whole month and partial months will not be incorporated into extended compliance schedules. Receiving water quality will benefit because nutrient reductions will be achieved earlier and extend for a longer period than would otherwise occur.

Section 3.7, page 112, Early Nutrient Reduction Incentive AIC – #12

Add a subsection 3.7.1.X Voluntary Early Nutrient Reduction Incentive Program. Receiving water quality may benefit from earlier nutrient reductions resulting from wastewater treatment optimization, pilot testing, stress testing, new technology trials, etc. An incentive program will encourage utilities to make voluntary reductions of nutrients earlier than required and in exchange the utility will receive an extended compliance schedule for final effluent limits.

**Section 3.5, page 112,
Early Nutrient Reduction Incentive
DEQ Response – AIC – #10, 11, & 12**

DEQ did not make a change—this topic may be addressed in the Permit Writer Supplement which is scheduled for development in spring 2018.

**Section 3.5.1.1.2, page 114,
Nonflowing Receiving Waters
EPA Region 10 – #23**

The description of the dilution ratio for non-flowing waters is misleading. The dilution ratio is “a simple ratio of the effluent volume and the receiving water volume” only if it is determined using equation 32. If the dilution ratio is determined through modeling, then it may reflect incomplete mixing.

**Section 3.5.1.1.2, page 114,
Nonflowing Receiving Waters
DEQ Response – EPA Region 10 – #23**

- ***DEQ already had text in the short paragraph preceding Equation 33 (formerly Equation 32) identifying that the dilution ratio can be determined through modeling. DEQ did change the text to, “The dilution ratio (D) used in Equation 32 may be a simple ratio... The dilution ratio can either be determined through modeling or using Equation 33:”***

Section 3.6, page 122, Frequency of Testing EPA Region 10 – #33

Recommend removing the language re: semi-annual testing being "generally recommended for major facilities." EPA recommends monthly testing for majors and quarterly for minors, so the language re: recommended is not correct. Could revise it to read something to the effect: "For example, semi-annual acute and chronic testing, which is generally required of major facilities, will yield..."

**Section 3.6, page 122,
Frequency of Testing
DEQ Response - EPA Region 10 – #33**

***DEQ changed “generally recommended” to
“generally required.”***

Section 3.6, page 122, Acute vs Chronic Testing EPA Region 10 – #34

In the second paragraph of Section 3.6 it states, "For an RPTE analysis, data should be available for acute and chronic testing...." It is exceedingly rare for a permittee to be required to do both acute and chronic toxicity testing as the type of testing required is driven by the dilution allowance provided to the permittee, which rarely approaches 1000:1 (acute tests are recommended if the dilution factor is close to 1000:1).

Recommend revising this language to reflect that for the reasonable potential analysis acute and/or chronic testing data should be available and used.

**Section 3.6, page 122,
Acute vs Chronic Testing**

DEQ Response – EPA Region 10 – #34

DEQ changed the sentence to, “For an RPA, data should be available for acute and/or chronic testing...”

**Section 3.6.1, page 123,
Endpoints vs TU
EPA Region 10 – #35**

This section states that each endpoint (NOEC/LOEC/IC/EC) can be converted/translated to Toxic Units, but that is not correct. Acute Toxic Units are defined as $100/LC50$, and chronic toxic units is $100/NOEC$ or $EC/IC25$. This section should be revised to include $LC50$ as an endpoint, and also clearly define the TU_a and TU_c .

**Section 3.6.1, page 123,
Endpoints vs TU**

DEQ Response – EPA Region 10 – #35

***DEQ added LC as an endpoint and clarified
endpoint conversions.***

**Section 3.6.2, page 125,
RPA
EPA Region 10 – #36**

This section is confusing as it has calculating WLAs as the first step, when ideally a permit writer would review the data, determine RP using the procedures outlined in Box 3-2, Section 3.3.2 of the TSD. If RP is determined, then the permit writer should proceed to WLA determinations and limit development.

**Section 3.6.2, page 125,
Equation 40
EPA Region 10 – #40**

An alternative to Equation 40 should be provided for cases where dilution cannot be expressed as percentage of stream flow (e.g., a modeled dilution factor for a discharge to a non-flowing waterbody). This is addressed for effluent limit calculations in Section 3.5.1.1.2 (Equation 31).

**Section 3.6.3.1, page 127,
Equation 41
EPA Region 10 – #41**

An alternative to Equation 41 should be provided for cases where dilution cannot be expressed as percentage of stream flow (e.g., a modeled dilution factor for a discharge to a non-flowing waterbody). This is addressed for effluent limit calculations in Section 3.5.1.1.2 (Equation 31).

Section 3.6.2, page 125, RPA

DEQ Response – EPA Region 10 – #36, 40 & 41

DEQ revised this section to address WET RPA and WLA process—DEQ removed the equations, referenced subsection 3.6.2.2, where Equations 31 and 32 are cited for use in assessing RPA in flowing and nonflowing water bodies, respectively.

Section 3.6.2.1, page 126,

RPA

EPA Region 10 – #37

Suggest revising this to state that a RPA can be performed quantitatively ... as well as qualitatively using the procedures and considerations outlined in TSD Section 3.2. ... permit writers can still conduct an RPA ... referring them to Section 3.4.4.1 (which references TSD Section 3.2), but it should be revised to state that the procedures can also be used when there is no effluent data ... "If less than 10 acute or chronic data points are available, or in cases where no effluent data is available, an RPA may still be performed..."

Also suggest expanding upon the list of things to consider when conducting RPA with minimal or no data, to include those factors identified in TSD Section 3.2 ...

Section 3.6.2.1, page 126, RPA

DEQ Response – EPA Region 10 – #37

DEQ incorporated the recommended language changes addressing situations in which no data is available. However, DEQ did not include the expanded list of factors recommended because the additional factors are in TSD Section 3.2 and this section is already referenced in Section 3.6.2.1 of the ELDG. DEQ felt it was unnecessary to provide an exhaustive list in the ELDG. Permit writers will refer to the TSD directly.

Section 3.6.2.2, page 126, RPA Assessment EPA Water Permits – #3

The first sentence states, “An RPA can be assessed if there are at least 10 valid WET test results for acute, chronic or both (whichever is applicable), ...” The requirement for a minimum number of test results is a prerequisite to determining RP and therefore is inconsistent with EPA’s NPDES RP regulations which have no minimum threshold requirement. IN addition, the Idaho document itself at Section 3.4.4.1, “What to do if Data are not Available”, pg. 111 provides how to do a RP determination using a qualitative approach when no data are available and appropriately references EPA’s 1991 TSD’s Section 3.2. Therefore, Section 3.6.2.2 is inconsistent both with EPA’s RP regulations and Idaho’s draft itself. Finally, most importantly not assessing RP for a discharger is not protecting the state’s WQS for possible excursions which can impair the receiving stream, and impact aquatic life.

**Section 3.6.2.2, page 126,
RPA**

EPA Region 10 – #38

... RPA with no data. This section implies RPA can only be conducted "...if there are least 10 valid WET test results..."

**Section 3.6.2.2, page 126,
RPA**

DEQ Response - EPA R10 & WPD – #38 & #3

DEQ incorporated language to clarify that reasonable potential to exceed (RPTE) may also be assessed, “...when less than 10 test results are available or in cases where no effluent data are available using the procedures in section 3.4.4.1.”

Section 3.6.3.2 – .3, page 127-128, Acute and Chronic WET Limit EPA Region 10 – #39

Should include language specifying how the MDL and AML will be interpreted and enforced. ... R8, 9 and 10 WET guidance recommends the following for MDL and AML: "The permit should contain a condition indicating that the MDL is interpreted as the maximum acute or chronic WET result for that calendar month unless otherwise specified by State requirements. The AML is the highest allowable value for the average of daily discharges obtained over a calendar month. For WET, this is the average of individual WET test results for that calendar month, unless otherwise specified by State requirements."

In addition, for deriving the AML, guidance should be provided for how many samples (i.e. n) the permit writer should assume in situations where the monitoring frequency is once per month or less. The TSD recommends an n of 4 in those situations (TSD 5.5.3).

**Section 3.6.3.2 – .3, page 127-128,
Acute and Chronic WET Limit
DEQ Response - EPA Region 10 – #39**

DEQ added section 3.6.3.4 to address the expression and reporting of chronic and acute WET Limits in permits. DEQ set the default in Equations 44 and 47 as $n=4$ in situations where monitoring frequency is less than or equal to once per month.

Section 3.7, page 129-130, Special Considerations EPA Region 10 – #24

A new subsection should be added, addressing ... permit conditions which ensure compliance with the water quality requirements of all affected States, including downstream States and Tribes. This is required by IDAPA 58.01.25.103.03 ... Downstream States and Tribes may have water quality requirements which are more stringent than those in Idaho, including more stringent numeric water quality criteria. Even if a downstream State's water quality requirements are not more stringent than Idaho's, pollutants such as nutrients, biochemical oxygen demand, and bioaccumulative pollutants may exert their greatest impact upon water quality in a downstream State. ...

Section 3.7, page 129, Special Considerations EPA Region 10 – #42

... For dischargers located on waterbodies shared with another State or Tribe, ... the same techniques used to evaluate mixing zones could be applied to evaluate the discharge's impacts upon waters of the downstream State or Tribe. ... If this simple analysis indicates that the discharge may cause or contribute to violations of water quality requirements in waters of the downstream State or Tribe, the permit writer could proceed with establishing limits necessary to meet the downstream State based on the mass balance.

... Although IDAPA 58.01.25.109.d.i.(3) requires such notification when a draft permit is issued for public review and comment, we recommend notifying affected States or Tribes as soon as an effect upon their waters is identified and coordinating with the downstream State or Tribe to ensure that the draft permit will ensure compliance with their water quality requirements. See also Clean Water Act Section 402(b)(3).

Section 3.7, page 129-130, Special Considerations

DEQ Response – EPA Region 10 – #24 & 42

DEQ added two sentences in section 3.2 to address the comment, “The permit writer must consider the impact of the discharge to downstream jurisdictions, including affected states and tribes. DEQ will not issue an IPDES permit for a discharge when the permit conditions cannot ensure compliance with the applicable water quality requirements of all affected states (IDAPA 58.01.25.103.03).”

DEQ further, cites the User’s Guide Volume 1 and IDAPA 58.01.25.109.01.d.i.3, which identify that DEQ will provide public notice of draft permits and public meetings to all affected federal and state agencies with jurisdiction over fish, shellfish, wildlife, and other natural resources (including downstream states or Canada), state historic preservation officers, and any affected Indian tribe

Section 3.7, page 120, Integrated Planning AIC – #2

Add a subsection introducing the background and concept of integrated planning.

**Section 3.7, page 120,
Integrated Planning
DEQ Response – AIC – #2**

DEQ did not make a change—this topic may be addressed in the Permit Writer Supplement which is scheduled for development in spring 2018. Additionally, this topic was addressed in the User’s Guide Volume 1, section 3.2.3.1.

**Section 3.7, page 120,
Nutrient Incentive Program
AIC – #3**

Add a subsection introducing the background and concept of a nutrient incentive program.

**Section 3.7, page 120,
Nutrient Incentive Program
DEQ Response – AIC – #3**

DEQ did not make a change—this topic may be addressed in the Permit Writer Supplement which is scheduled for development in spring 2018.

Section 3.7.1.1.1, page 130-131,

Nitrogen

EPA Region 10 – #25

This section states that “nitrate has a maximum contaminant level of 10 mg-N/L.” ... the more relevant “standard” for nitrate, for IPDES permits, is the EPA’s Clean Water Act Section 304(a) criterion for nitrates, for the consumption of water and organisms, which is also 10 mg/L. IPDES and federal regulations allow for the EPA’s 304(a) criteria to be used to establish effluent limits based on narrative criteria (IDAPA 58.01.25.302.06.a.vi.(2) and 40 CFR 122.44(d)(1)(vi)(B)).

**Section 3.7.1.1.1, page 130-131,
Nitrogen**

DEQ Response - EPA Region 10 – #25

***DEQ added the CWA 304(a) and IDAPA
58.01.25.302.06.a.vi.(2) references.***

**Section 3.7.1.2.3, page 132,
Non Impaired Waters
EPA Region 10 – #26**

The ways of determining reasonable potential to cause or contribute to excursions above nutrient criteria for impaired waters listed in Section 3.7.1.2.2 could also be used for non-impaired waters.

**Section 3.7.1.2.3, page 132,
Non Impaired Waters**

DEQ Response - EPA Region 10 – #26

***DEQ added the methods listed in
Subsection 3.7.1.2.2 to be used in
nonimpaired waters.***

**Section 3.7.1.6.1, page 134-135,
Use WLAs as WQBELs
EPA Region 10 – #27**

The use of a wasteload allocation (WLA) directly as an effluent limit for nutrients is valid not only in cases where the WLA is from a TMDL, rather, it is also a valid method of establishing effluent limits for nutrients when the WLA is developed for an individual permit based on a mixing zone or applying the interpreted narrative nutrient criterion at the end-of-pipe.

Section 3.7.1.6.1, page 134-135,

Use WLAs as WQBELs

DEQ Response – EPA Region 10 – #27

DEQ added language below Table 37 in section 3.7.1.6.1 to address the use of WLAs for nutrient limits in impaired and nonimpaired waters.

**Section 3.7.2.2, page 138-139,
Receiving Water Temperature Considerations
EPA Region 10 – #28**

This section should note that certain waters of the State of Idaho are subject to site-specific water quality criteria for temperature.

**Section 3.7.2.2, page 138-139,
Receiving Water Temperature Considerations
DEQ Response - EPA Region 10 – #28**

DEQ added, “IDAPA 58.01.02.276-299 documents site-specific water quality criteria (section 3.3.2.4).”

**Section 3.7.2.3, page 139,
Temperature RPA
AIC – #6**

This section states that the 95th percentiles values be used for both effluent and upstream river for the RPA analysis for temperature. These assumptions will likely lead to overly conservative RPA decisions in many cases. AIC requests that this be deleted in this version of the ELDG recognizing that temperature evaluations and limits require special considerations for reasonable implementation in Idaho. The choice of percentiles should be deferred to this subsequent guidance.

**Section 3.7.2.3, page 139,
Temperature RPA
DEQ Response – AIC – #6**

DEQ clarified that the 90th percentile will “typically” be used to determine RPTE. If DEQ uses a different appropriate percentile, it will be justified in the fact sheet. Further, the RPA workbook calculations and resulting effluent limits described in each permit's fact sheet will be available for public comment as part of the IPDES permit development process.

Section 3.7.2.4, page 139-140, Calculating Effluent Limits EPA Region 10 – #29

In Equation 49, “Df” is defined as the “dilution factor for flowing receiving water.” It is not clear why a dilution factor from a mixing zone in a non-flowing receiving water could not be used in the same way as a dilution factor for a flowing receiving water, when calculating effluent limits for temperature.

Section 3.7.2.4, page 139-140, Calculating Effluent Limits

DEQ Response - EPA Region 10 – #29

DEQ determined that Equations 25 and 50 are identical, resulting in deletion of Equation 50, and concedes that D_f applies to flowing waters (see Equations 25) and nonflowing waters (see Equation 33). The variable " D_f " has been changed to a more generic " D_x ", and this dilution may also be determined through modeling.

Section 3.7.2.4, page 139-140, Temperature Limits AIC – #7

This section states that both daily maximum and daily average limits are needed for temperature. ... it does not address all criteria averaging periods (e.g., weekly average of daily maximums). And having two different daily limits may not be necessary or appropriate depending on how effluent temperature monitoring is to be conducted (e.g., continuous versus daily grab).

AIC requests that this be deleted in this version of the ELDG recognizing that temperature evaluations and limits require special considerations for reasonable implementation in Idaho. The choice of averaging periods for limits should be deferred to this subsequent guidance.

Section 3.7.2.4, page 140, River Flow AIC – #8

The second paragraph on this page says that the 1Q10 should be used for the river flow. There is no basis for this indicated in the text, and in fact is contradictory to Table 24 on page 85 which says that the 7Q10 should be used for temperature. AIC recommends use of the 7Q10 for temperature.

Section 3.7.2.4, page 139-140, Temperature Limits

DEQ Response – AIC – #7 & 8

DEQ changed the flow from 1Q10 to 7Q10 in the 3rd paragraph to be consistent with the low flow conditions in Table 24 and the Idaho Mixing Zone Implementation Guidance. Additionally, we changed temperature limit to be an instantaneous maximum "or" maximum daily average. Finally, DEQ removed Equation 50 because it was a rearranged duplicate of Equation 25.

Section 3.7.2.4, page 140, Regulatory Options for Temperature AIC – #9

The two bullets on the bottom of page 140 do not mention one the most important regulatory options specific to temperature, namely, the 316(a) variance process. And the 316(a) process, along with the other regulatory options identified in the two bullets, all will still be potentially applicable to the paragraphs above regarding limits for receiving waters not impaired for temperature. AIC requests that all of these options be noted for all of the impairment status situations, or these sections should be deleted in recognition of the special considerations guidance for temperature that is still to be developed.

**Section 3.7.2.4, page 140,
Regulatory Options for Temperature
DEQ Response – AIC – #9**

DEQ added a third bullet to reference the 316(a) variance, EPA's 2008 guidance, applicable IDAPA and CFR citations, and section 8.2.1 of the IPDES User's Guide Volume 1, which discusses the 316(a) variance in more detail.

**Section 3.7.7.2, page 144,
Receiving Water Characterization
EPA Region 10 – #30**

The last paragraph of this section should be edited to clarify that the data and monitoring requirements being discussed are fish tissue data and monitoring requirements.

**Section 3.7.7.2, page 144,
Receiving Water Characterization
DEQ Response - EPA Region 10 – #30**

***DEQ inserted "fish tissue" to define what
type of monitoring required.***

Section 3.8.1, page 147, Tier 1 Review EPA Region 10 – #31

This section states that, “The process of developing WQBELs provides Tier I protection by ensuring that the discharge does not cause or contribute to a violation of WQC.” This is true in cases where there are no existing uses of a receiving water which have not been designated. However, in cases where the receiving water has an existing use, which is not designated, compliance with Tier I antidegradation requirements would require the application of WQC necessary to support the existing uses, in addition to designated uses.

**Section 3.8.1, page 147,
Tier 1 Review**

DEQ Response - EPA Region 10 – #31

DEQ revised section 3.8.1 to address situations in which there might be existing beneficial uses that are not designated. DEQ protects for existing uses even if they are not designated. DEQ also added a reference to section 3.3, which describes the process for determining the appropriate beneficial uses and associated water quality criteria.

Section 4.1.1, page 149-150, Antibacksliding Provisions EPA Region 10 – #32

This section should note that the anti-backsliding regulatory provisions in IDAPA 58.01.25.200 and 40 CFR 122.44(l) restrict the relaxation of “standards or conditions” in existing permits. Thus, these regulatory provisions address all types of backsliding not addressed in the Clean Water Act antibacksliding provisions, including relaxation of conditions which are not effluent limitations (e.g., monitoring requirements). See the US EPA NPDES Permit Writers’ Manual at Section 7.2.2.

Section 4.1.1, page 149-150, Antibacksliding Provisions

DEQ Response - EPA Region 10– Comment #32

- *DEQ revised Section 4.1 to expand the provisions prohibiting the relaxation of effluent limits, “...permit conditions, or standards...” in reissued permits.*

Multiple Section, Use of Specific Percentiles AIC – #14

Recommend IDEQ consider alternate percentiles for reasonable potential analyses to prevent compounding conservatism that will generate limits more stringent than necessary to protect aquatic life and human health. Other Pacific Northwest states ... have adopted the use of percentiles lower than the 95th proposed for Idaho.

For example, Alaska ... 85th percentile for pH, temperature and hardness concentrations ... as well as the 15th percentile for background hardness values.

Similarly, Oregon has adopted the 90th percentile for temperature and pH values, and alkalinity concentrations, ...

Washington RPAs use the 90th percentile of receiving water ambient concentrations for metals calculations.

Multiple Section, Use of Specific Percentiles AIC – #14

- **Section 3.3.2.1.1, page 58, Metals and ammonia criteria - 95th percentile pH and temperature**
- **Section 3.4.3, page 69, Mixing zones – 95th percentile of effluent data**
- **Section 3.4.3.1.4.3, page 102, Mixing zones - receiving water quality – 95th percentile for background concentrations**
- **Section 3.4.3.14.3, page 103, Mixing zones - receiving water quality – 95th percentile ambient pH and temperature, 5th percentile hardness**

Multiple Section, Use of Specific Percentiles AIC – #14

- **Section 3.4.3.14.4, page 104, Mixing zones - receiving water quality – 5th percentile background hardness**
- **Section 3.7.1.5, page 134, Reasonable Potential Analysis for Nutrients – 95th percentile of daily maximum effluent concentrations**
- **Section 3.7.2.3, page 139, Reasonable Potential Analysis for Temperature – 95th percentile receiving water temperature, 95th percentile daily maximum effluent temperature**
- **Appendix D, page 170-172, Equation 20-22, 28**

Multiple Section, Use of Specific Percentiles DEQ Response – AIC – #14

DEQ has identified in the ELDG that the 90th percentile will typically be used in assessing background data. Any change in the use of percentiles will be thoroughly documented in the fact sheet. DEQ intends to present the reasonable potential analysis (RPA) spreadsheet at the initial 2018 guidance development meeting. Many of the calculations and policies inherent to the RPA workbook are discussed throughout the ELDG, which has gone through public comment. Further, the RPA workbook calculations and resulting effluent limits will be described in each permit's fact sheet, and will be available for public comment as part of the IPDES permit development process.

DEQ believes there is not always a direct translation among the percentiles used and the stringency of the effluent limits in other states. For example, Washington found that EPA's metals/hardness equations generally underestimated toxicity in Washington-specific water bodies. They in turn developed their own equations, resulting in larger confidence intervals (5 vs 2.5), but more narrowly-applicable equations.

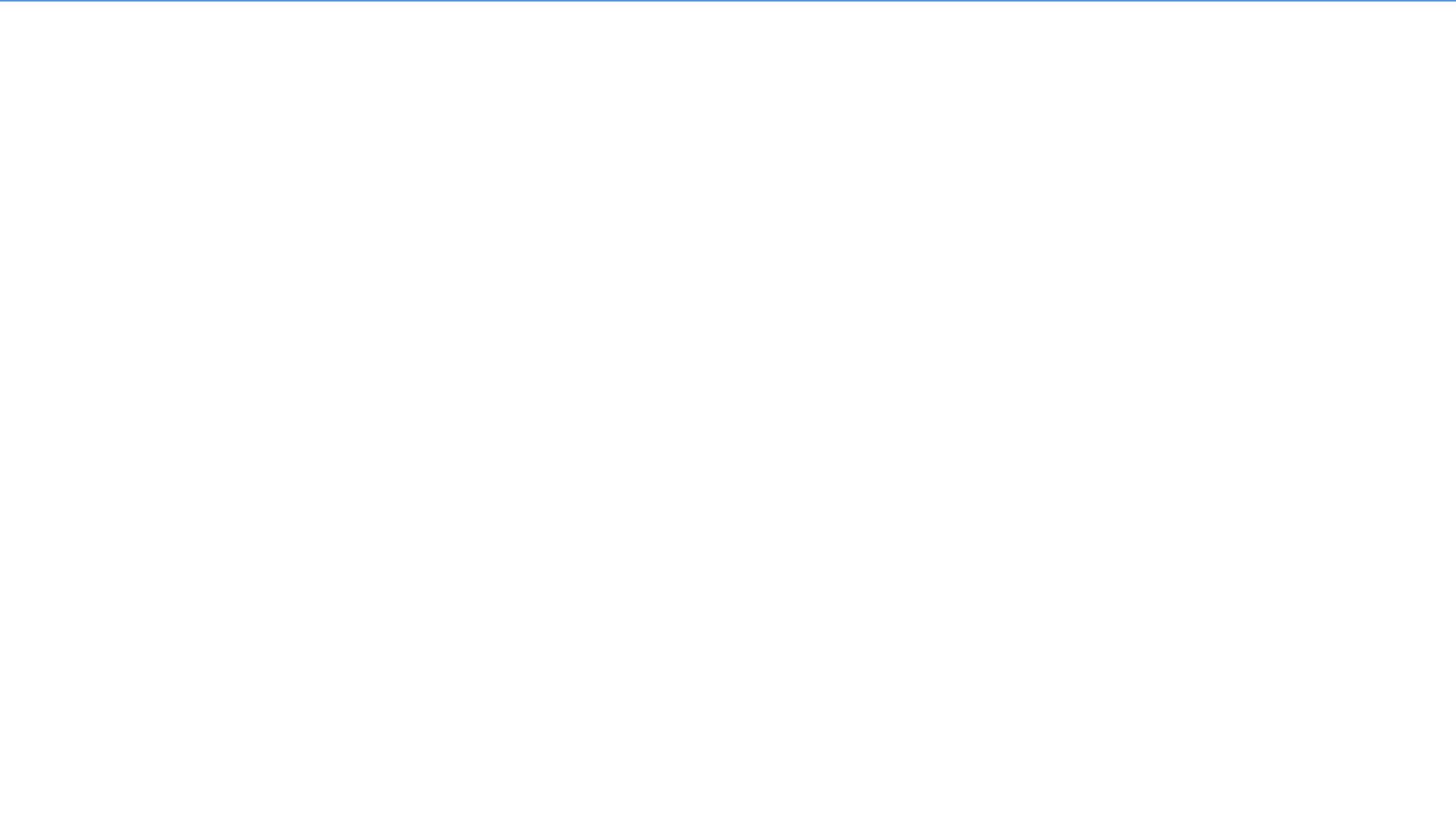
**Appendix D, pages 176
Temperature Limit Calculation
Idaho Power Co – Comment #2**

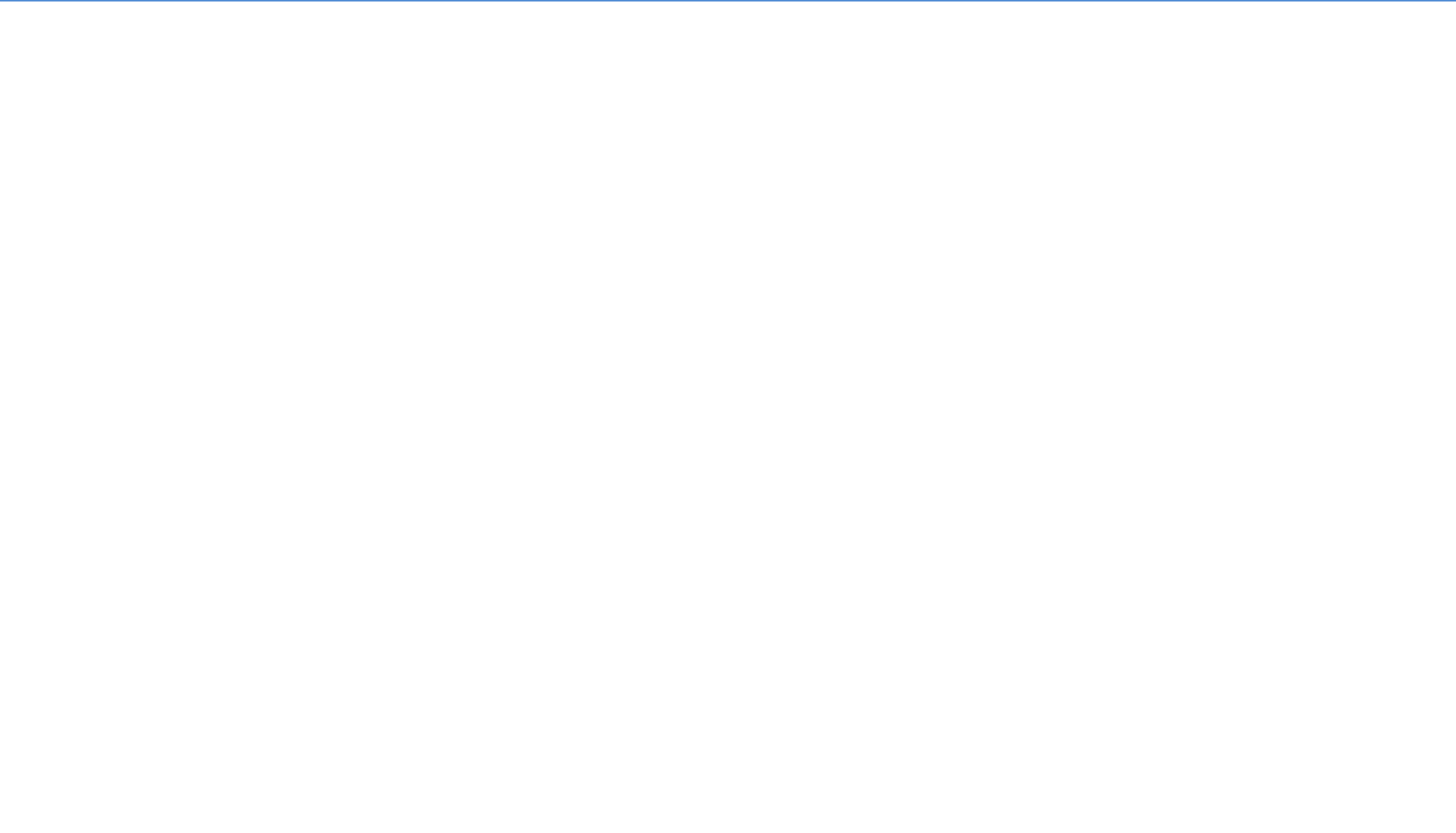
In the variable column [for Equation 49] it calls out $D = \text{Dilution Factor}$ (Equation 24). This is actually Equation 25 on page 170.

DEQ made the correction to call out Equation 25.

ELDG – “Final” Draft







User's Guide Volume 2 (POTWs) – Final

- **Tech editing revisions made throughout**
- **October meeting and written comments**
 - EPA
 - AIC
 - Mike Settell
- **DEQ posted:**
 - Final guidance
 - Response to comments

General – Permit Writer Supplement

AIC - Comment #1

- DEQ has committed to adopting a supplemental document that provides permit writers details about contemporary permitting concepts for use in writing Idaho permits. Attached is a working draft of the supplemental document.
- *DEQ is committed to developing a supplement to the Effluent Development Guidance (ELDG); thank you for the working draft. DEQ will work with interested stakeholders through the guidance development process in 2018 to ensure the supplement is consistent with the Clean Water Act, the Code of Federal Regulations, IDAPA, and applicable NPDES/IPDES guidance.*

General - Use of “Engineer”

Mike Settell – Comment #1

- **The guidance presumes that the Engineer is the only professional that complete the application. Please replace the word “engineer” with “environmental professional”. This does not exclude qualified individuals from completing the work. My suggestion applies to all cases where the word “engineer” appears.**
- ***DEQ does not use the term “engineer” in the ELDG or the User’s Guide Volume 2. The term “engineering” is used in association with specific items such as “aspects,” “plans,” and “reports” and remains in the guidance.***

Section 1.2.3, page 2 Idaho WQS EPA Region 10 – Comment #2

- **This section should reference the Idaho Water Quality Standards in Idaho’s administrative rules (IDAPA 58.01.02).**
- ***DEQ has added reference to Idaho Water Quality Standards, IDAPA 58.01.02.***

Section 3.1, page 4-6, Pat A. Basic Information

EPA Region 10 – Comment #2

- **“The applicant’s response to whether the POTW is currently covered under an NPDES/IPDES permit (not a new source or new discharger) determines subsequent sections of the permit application that need to be completed”...**
The parenthetical in this sentence should be revised to read “not a new discharger or recommencing discharger” and the references to the rules should be changed accordingly. A POTW (as defined in IDAPA 58.01.25.010.73 and 40 CFR 122.2) cannot be a “new source” (as defined in IDAPA 58.01.25.010.58 and 40 CFR 122.2) because POTWs are not subject to standards of performance under Clean Water Act section 306 (i.e., new source performance standards).
The fact that a source is not currently covered under an NPDES or IPDES permit does not necessarily mean it is a “new discharger.” In order to be a “new discharger,” a discharger must never have received a finally effective NPDES or IPDES permit for discharges at a particular site and must not have commenced a discharge of pollutants prior to August 13, 1979 (See IDAPA 58.01.25.010.57 and 40 CFR 122.2). A POTW which ceased discharging and wishes to resume discharging is a “recommencing discharger,” not a “new discharger.” See IDAPA 58.01.25.010.75 and 40 CFR 122.2.

Section 3.1, 4.6, page 4, 20, “New Source” EPA HQ – Comment #1

- I think that there should be a clarification made that new sources and new dischargers are not equivalent, perhaps in section 3.1.? "New source" is defined in 122.2 of the NPDES regulations and the dischargers within this category consist of facilities that were constructed after an ELG was proposed, and this categorization remains in place for the life of the facility. A new discharger is not a new source by definition, and is one that had never previously received an NPDES permit.
- *DEQ deleted the reference to new sources and new dischargers and clarified that the intent of the permit status question is only to identify applicants not currently covered under a permit that would not have the data required to complete Part D. Expanded Effluent Testing or Part E. WET Testing.*

Section 4.2, page 13-14, Effluent Limits and Associated Monitoring Requirements

EPA Region 10 – Comment # 3

- The descriptions of the effluent limit types should be rewritten to be consistent with the definitions of the terms “average monthly discharge limitation,” “average weekly discharge limitation,” “maximum daily discharge limitation,” and “daily discharge” in State and federal regulations. See IDAPA 58.01.25.010 and 40 CFR 122.2.

POTWs often have effluent limits which are expressed in ways that are not discussed in this section. For example, limits for E. coli are generally expressed, in part, as monthly geometric mean concentrations, limits for pH are generally expressed as a range of acceptable pH values, and POTWs are subject to technology-based effluent limits for removal rates for TSS and oxygen demand. Since these types of limits are common in POTW permits, they should be discussed in this section in addition to average monthly, average weekly, maximum daily, and seasonal or annual average limits. This section should also note that permits may include limits expressed in other ways that are not discussed in this section.

- *DEQ added “daily” discharge, revised the definitions to be consistent IDAPA, and clarified that additional expressions or effluent limit types not described in the section may be included in permits, as appropriate.*

Section 4.2, page 13, WQBEL Calculations

AIC – Comment # 4

- DEQ has stated they intend to adopt the "Idaho TSD Workbook template rev 0827171.xls" spreadsheet from EPA as is for WQBEL calculations and effluent limitations. This spreadsheet contains extensive EPA policy inherent to the calculations performed. AIC requests DEQ present this spreadsheet and its inherent policy and technical aspects for public comment.
- *DEQ intends to present the reasonable potential analysis (RPA) spreadsheet at the initial 2018 guidance development meeting. Many of the calculations and policies inherent to the RPA workbook are discussed throughout the ELDG, which has gone through public comment. Further, the RPA workbook calculations and resulting effluent limits will be described in each permit's fact sheet, which will be available for public comment as part of the IPDES permit development process.*

Section 4.3, page 14, Regulatory Mixing Zone EPA Region 10 – Comment # 4

- This section states that “The permittee must monitor and report the effluent and upstream receiving water concentration of all pollutants with authorized mixing zones.”

While we agree that it is generally advisable to monitor the background concentrations of pollutants with authorized mixing zones, there are cases in which such monitoring would not be necessary. For example, non-conservative pollutants such as chlorine would be unlikely to be present in receiving waters (absent another nearby source), or there may be a long history of receiving water monitoring data showing low or undetectable concentrations of a given pollutant.

The EPA suggests that the phrase “and upstream receiving water” from this sentence. If DEQ wishes to discuss receiving water monitoring in this section, the language should be changed so that it’s clear that DEQ will decide whether to require receiving water monitoring on a case-by-case basis. We also suggest the use of the more general term “background,” in lieu of “upstream,” since it addresses both flowing and non-flowing receiving waters.

- *DEQ changed the sentence to, “The permittee must monitor and report the effluent and, in most instances, the background receiving water concentration of all pollutants with authorized mixing zones.*

Section 4.4, page 14, Monitoring EPA Region 10 – Comment # 5

- This section should note that if the permittee monitors any pollutant more frequently than required by the permit, using approved test procedures, the results of such monitoring shall be included in the calculation and reporting of the data submitted on DMRs. See IDAPA 58.01.25.300.12d.ii and 40 CFR 122.41(I)(4)(ii).
- *DEQ made the suggested change and added, “If the permittee monitors any pollutant more frequently than required by the permit, using approved test procedures, the results must be included in the data calculations submitted on DMRs.”*

Section 4.5.4.1, page 19, Twenty-Four Hour and Five Day Noncompliance Reporting EPA Region 10 – Comment # 6

- The last paragraph of this section, describing circumstances that are not considered bypasses, is overly broad. The phrase “or environmental conditions” should be deleted.
The preamble to the bypass rule (40 CFR 122.41(m)) explains that: “Seasonal effluent limitations which allow the facility to shut down a specific pollution control process during certain periods of the year are not considered to be a bypass. Any variation in effluent limits accounted for and recognized in the permit which allows a facility to dispense with some unit processes under certain conditions is not considered bypassing” (49 FR 38037). Thus, the ability to shut down certain pollution control processes is based on “seasonal effluent limitations” or other “variation(s) in effluent limits.” Neither the State or federal bypass rules nor the preamble to the federal bypass rule provides an exception to the prohibition of bypass based on “environmental conditions.”
- *DEQ believes that 49 FR 38037 identifies that dispensing with some unit processes under certain conditions is related to those conditions being “accounted for and recognized in the permit,” rather than being restricted to seasonal impacts. As a result, DEQ has changed the sentence to, “If the facility has effluent limits that depend on differing treatment options, which are accounted for and recognized in an IPDES permit and implemented consistent with the permit conditions, they are not considered a bypass.”*

Section 4.7.1, page 20, Compliance Schedules

EPA HQ – Comment # 2

- This section should be revised a bit. I think that there are a few areas here where the use of schedules would not be consistent with the federal regulatory requirements. First, it should be clarified that compliance schedules in permits are intended to be used when dischargers cannot immediately meet their water quality-based effluent limitations. These schedules are not the same as compliance schedules in the enforcement and compliance context. So, the word in the 2nd sentence, "reacquire" should be deleted. I think that the specific reference to consent orders and compliance orders should be deleted because while a schedule can require tasks that are similar to what's required in those enforcement documents, the goal of the permit schedule is to meet the limit. The way it's currently drafted creates the possibility of confusion. Schedules are not intended to be used to document the generation or submittal of documents, so the last sentence in the first paragraph of this section should be revised to clarify that these are documents that are somehow related to the needed changes the facility is making to meet their limit(s).
- *DEQ made several changes to this section: (1) clarified that compliance schedules may be included in the permit when a permittee is unable to meet final WQBELs; (2) deleted "reacquire" from the second sentence; (3) explained that compliance schedules specify a series of tasks, with associated milestones, to acquire or maintain compliance with the effluent limits in the permit; and (4) clarified that compliance schedules associated with meeting new or more stringent effluent limits may incorporate tasks consistent with an existing CAS/CO.*

Section 4.7.1, page 20, Compliance Schedules and Interim Effluent Limits EPA Region 10 – Comment # 7

- The last sentence of this paragraph reads “For compliance schedules longer than 1 year the permittee must also submit an annual progress report that describes efforts made in reaching compliance by the date specified in the compliance schedule.”

This is not consistent with the IPDES rule which it references (IDAPA 58.01.25.305.01.d) or the corresponding federal rule (40 CFR 122.47(a)(3)). The State and federal rules for compliance schedules require that compliance schedules longer than 1 year include interim requirements and dates for their achievement. Progress reports are required if the time necessary for completion of an interim requirement is more than 1 year and is not readily divisible into stages for completion.

- *DEQ updated the sentence to, “For compliance schedules with longer than 1 year between interim requirements, the permit will specify dates for submitting interim progress reports that describe progress toward completing the next compliance schedule requirement and a projected completion date reaching compliance by the date specified in the compliance schedule.”*

Section 4.7, page 20, Integrated Planning AIC – Comment #2

- Add a subsection introducing the background and concept of integrated planning. Integrated planning is proposed as a topic in the supplemental document.
- *DEQ added the following to section 4.7.1, “User’s Guide Volume 1, section 3.2.3.1 (DEQ 2017a) discusses a municipality’s financial capability and integrated planning for compliance schedule purposes.”*

Section 4.7, page 20, Compliance Schedules

AIC – Comment # 5

- The EPA's Financial Capability Assessment Framework for Municipal Clean Water Act Requirements recognizes that long-term approaches to meeting Clean Water Act objectives should be sustainable and within a local government or authority's financial capability; and that financial capability includes Safe Drinking Water Act obligations as well. AIC recommends the DEQ recognize and consider the financial capabilities of Idaho cities as all schedules of compliance are developed. For Idaho cities, appropriate compliance solutions and time frames are critical to achieving water quality goals at lower costs and in ways that address the most pressing problems first. Available online at: https://www.epa.gov/sites/production/files/2015-10/documents/municipal_fca_framework.pdf
- *See response to AIC Comment 2*

Section 4.7, page 20, Nutrient Incentive AIC – Comment # 3

- **Add a subsection introducing the background and concept of a nutrient incentive program. Nutrient incentive program is proposed as a topic in the supplemental document.**
- ***DEQ is not adding this subsection, because it tentatively part of the draft supplement to the ELDG.***

Section 4.7.2, page 20-21, Facility Capacity EPA Region 10 – Comment # 8

- This section states that “Each month the permittee must record and report on DMRs the influent maximum daily flow, BOD5 and TSS loading averaged over the month. These are compared to the maximum daily flow, BOD5 and TSS loading, and other facility design capacity ratings identified in the facility plan.”

The use of the phrase “maximum daily” implies that treatment plant capacity will be evaluated based on “maximum daily” flows and loadings, but this paragraph also states that flows and loadings will be “averaged over the month.” We presume the intent was to use monthly average flows and loadings for capacity planning purposes. If so, we suggest deleting the phrase “maximum daily” from this paragraph.

- *DEQ changed the sentence to, “Each month the permittee must record and report on the DMR the influent average daily flow...”*

User's Guide Volume 2 (POTWs) – Final



User's Guide Volume 2 (POTWs)

Response to Comments

- **Received written comments from**
 - **EPA Region 10**
 - **EPA Headquarters**
 - **AIC**
 - **Mike Settell**

General – Permit Writer Supplement AIC - Comment #1

DEQ has committed to adopting a supplemental document that provides permit writers details about contemporary permitting concepts for use in writing Idaho permits. Attached is a working draft of the supplemental document.

General – Permit Writer Supplement DEQ Response - AIC Comment #1

DEQ is committed to developing a supplement to the Effluent Development Guidance (ELDG); thank you for the working draft.

DEQ will work with interested stakeholders through the guidance development process in 2018 to ensure the supplement is consistent with the Clean Water Act, the Code of Federal Regulations, IDAPA, and applicable NPDES/IPDES guidance.

General - Use of “Engineer”

Mike Settell – Comment #1

The guidance presumes that the Engineer is the only professional that complete the application. Please replace the word “engineer” with “environmental professional”. This does not exclude qualified individuals from completing the work. My suggestion applies to all cases where the word “engineer” appears.

General - Use of “Engineer”

DEQ Response - Mike Settell Comment #1

DEQ uses the terms “engineer” and “engineering” in the User’s Guide Volume 2 in association with specific items such as “aspects,” “plans,” and “reports” associated with facility planning and these terms remain in the guidance.

Section 1.2.3, page 2, Idaho WQS EPA Region 10 – Comment #2

This section should reference the Idaho Water Quality Standards in Idaho's administrative rules (IDAPA 58.01.02).

DEQ has added reference to Idaho Water Quality Standards, IDAPA 58.01.02.

Section 3.1, page 4-6, Part A. Basic Information

EPA Region 10 – Comment #2

EPA HQ – Comment # 1

In “The applicant’s response to whether the POTW is currently covered under an NPDES/IPDES permit (not a new source or new discharger)...” The parenthetical in this sentence should be revised ...

There should be a clarification made that new sources and new dischargers are not equivalent... A new discharger is not a new source by definition, and is one that had never previously received an NPDES permit.

Section 3.1, page 4-6, Part A. Basic Information DEQ Response – EPA Region 10 Comment # 2 and EPA HQ Comment # 1

***DEQ deleted the reference to new sources
and new dischargers***

***Clarified that the intent of the permit status
question is only to identify applicants not
currently covered under a permit***

***– would not have the data required to
complete Part D. Expanded Effluent Testing or
Part E. WET Testing.***

Section 4.2, page 13-14, Effluent Limits and Associated Monitoring Requirements EPA Region 10 – Comment # 3

The descriptions of the effluent limit types should be rewritten to be consistent with the definitions of the terms ...in State and federal regulations. See IDAPA 58.01.25.010 and 40 CFR 122.2.

POTWs often have effluent limits which are expressed in ways that are not discussed in this section...This section should also note that permits may include limits expressed in other ways that are not discussed in this section.

**Section 4.2, page 13-14, Effluent Limits and
Associated Monitoring Requirements
DEQ Response - EPA Region 10 Comment # 3**

DEQ added “daily” discharge, revised the definitions to be consistent IDAPA, and clarified that additional expressions or effluent limit types not described in the section may be included in permits, as appropriate.

Section 4.2, page 13, WQBEL Calculations AIC – Comment # 4

DEQ has stated they intend to adopt the "Idaho TSD Workbook template rev 0827171.xls" spreadsheet from EPA as is for WQBEL calculations and effluent limitations.

This spreadsheet contains extensive EPA policy inherent to the calculations performed.

AIC requests DEQ present this spreadsheet and its inherent policy and technical aspects for public comment.

Section 4.2, page 13, WQBEL Calculations

DEQ Response - AIC Comment # 4

DEQ intends to present the reasonable potential analysis (RPA) spreadsheet at the initial 2018 guidance development meeting.

Many of the calculations and policies inherent to the RPA workbook are discussed throughout the ELDG, which has gone through public comment.

Further, the RPA workbook calculations and resulting effluent limits will be described in each permit's fact sheet, which will be available for public comment as part of the IPDES permit development process.

Section 4.3, page 14, Regulatory Mixing Zone EPA Region 10 – Comment # 4

This section states that “The permittee must monitor and report the effluent and upstream receiving water concentration of all pollutants with authorized mixing zones.”

- **While we agree that it is generally advisable to monitor the background concentrations of pollutants with authorized mixing zones, there are cases in which such monitoring would not be necessary. For example...**
 - **The EPA suggests that the phrase “and upstream receiving water” be changed in this sentence...so that it’s clear that DEQ will decide whether to require receiving water monitoring on a case-by-case basis.**
 - **We also suggest the use of the more general term “background,” in lieu of “upstream,” since it addresses both flowing and non-flowing receiving waters.**

Section 4.3, page 14, Regulatory Mixing Zone DEQ Response – EPA Region 10 Comment # 4

DEQ changed the sentence to:

“The permittee must monitor and report the effluent and, in most instances, the background receiving water concentration of all pollutants with authorized mixing zones.

Section 4.4, page 14, Monitoring EPA Region 10 – Comment # 5

This section should note that if the permittee monitors any pollutant more frequently than required by the permit, using approved test procedures, the results of such monitoring shall be included in the calculation and reporting of the data submitted on DMRs.

- See IDAPA 58.01.25.300.12d.ii and 40 CFR 122.41(l)(4)(ii).**

Section 4.4, page 14, Monitoring DEQ Response - EPA Region 10 Comment # 5

DEQ made the suggested change and added:

“If the permittee monitors any pollutant more frequently than required by the permit, using approved test procedures, the results must be included in the data calculations submitted on DMRs.”

Section 4.5.4.1, page 19, Twenty-Four Hour and Five Day Noncompliance Reporting EPA Region 10 – Comment # 6

The last paragraph of this section, describing circumstances that are not considered bypasses, is overly broad. The phrase “or environmental conditions” should be deleted.

The preamble to the bypass rule (40 CFR 122.41(m)) explains that:

“Seasonal effluent limitations which allow the facility to shut down a specific pollution control process during certain periods of the year are not considered to be a bypass. Any variation in effluent limits accounted for and recognized in the permit which allows a facility to dispense with some unit processes under certain conditions is not considered bypassing” (49 FR 38037).

Thus, the ability to shut down certain pollution control processes is based on “seasonal effluent limitations” or other “variation(s) in effluent limits.”

Neither the State or federal bypass rules nor the preamble to the federal bypass rule provides an exception to the prohibition of bypass based on “environmental conditions.”

Section 4.5.4.1, page 19, Twenty-Four Hour and Five Day Noncompliance Reporting DEQ Response - EPA Region 10 Comment # 6

DEQ believes that 49 FR 38037 identifies that:

Dispensing with some unit processes under certain conditions is related to those conditions being “accounted for and recognized in the permit,” rather than being restricted to seasonal impacts.

As a result, DEQ has changed the sentence to:

“If the facility has effluent limits that depend on differing treatment options, which are accounted for and recognized in an IPDES permit and implemented consistent with the permit conditions, they are not considered a bypass.”

Section 4.7.1, page 20, Compliance Schedules

EPA HQ – Comment # 2

This section should be revised a bit. There are a few areas here where the use of schedules would not be consistent with the federal regulatory requirements.

- **Clarify that compliance schedules in permits are intended to be used when dischargers cannot immediately meet their water quality-based effluent limitations.**
- **These schedules are not the same as compliance schedules in the enforcement and compliance context. So, the word in the 2nd sentence, "reacquire" should be deleted.**
- **The specific reference to consent orders and compliance orders should be deleted because while a schedule can require tasks that are similar to what's required in those enforcement documents, the goal of the permit schedule is to meet the limit.**
- **Schedules are not intended to be used to document the generation or submittal of documents, so the last sentence in the first paragraph of this section should be revised to clarify that these are documents that are somehow related to the needed changes the facility is making to meet their limit(s).**

Section 4.7.1, page 20, Compliance Schedules DEQ Response - EPA HQ – Comment # 2

DEQ made several changes to this section:

- *(1) clarified that compliance schedules may be included in the permit when a permittee is unable to meet final WQBELs;*
- *(2) deleted “reacquire” from the second sentence;*
- *(3) explained that compliance schedules specify a series of tasks, with associated milestones, to acquire or maintain compliance with the effluent limits in the permit; and*
- *(4) clarified that compliance schedules associated with meeting new or more stringent effluent limits may incorporate tasks consistent with an existing CAS/CO.*

Section 4.7.1, page 20, Compliance Schedules and Interim Effluent Limits EPA Region 10 – Comment # 7

The last sentence of this paragraph reads “For compliance schedules longer than 1 year the permittee must also submit an annual progress report that describes efforts made in reaching compliance by the date specified in the compliance schedule.”

This is not consistent with the IPDES rule which it references (IDAPA 58.01.25.305.01.d) or the corresponding federal rule (40 CFR 122.47(a)(3)).

- The State and federal rules for compliance schedules require that compliance schedules longer than 1 year include interim requirements and dates for their achievement.**
- Progress reports are required if the time necessary for completion of an interim requirement is more than 1 year and is not readily divisible into stages for completion.**

Section 4.7.1, page 20, Compliance Schedules and Interim Effluent Limits

DEQ Response - EPA Region 10 Comment # 7

DEQ updated the sentence to:

“For compliance schedules with longer than 1 year between interim requirements, the permit will specify dates for submitting interim progress reports that describe progress toward completing the next compliance schedule requirement and a projected completion date reaching compliance by the date specified in the compliance schedule.”

Section 4.7, page 20, Integrated Planning AIC – Comment #2 and #5

Add a subsection introducing the background and concept of integrated planning. Integrated planning is proposed as a topic in the supplemental document.

The EPA's Financial Capability Assessment Framework for Municipal Clean Water Act Requirements recognizes that long-term approaches to meeting Clean Water Act objectives should be sustainable and within a local government or authority's financial capability... AIC recommends the DEQ recognize and consider the financial capabilities of Idaho cities as all schedules of compliance are developed...

Section 4.7, page 20, Integrated Planning DEQ Response – AIC Comment #2 and #5

*DEQ added the following to section 4.7.1,
“User’s Guide Volume 1, section 3.2.3.1
(DEQ 2017a) discusses a municipality’s
financial capability and integrated planning
for compliance schedule purposes.”*

Section 4.7, page 20, Nutrient Incentive AIC – Comment # 3

Add a subsection introducing the background and concept of a nutrient incentive program. Nutrient incentive program is proposed as a topic in the supplemental document.

DEQ is not adding this subsection, because it tentatively part of the draft supplement to the ELDG.

Section 4.7.2, page 20-21, Facility Capacity EPA Region 10 – Comment # 8

This section states that “Each month the permittee must record and report on DMRs the influent maximum daily flow, BOD₅ and TSS loading averaged over the month...”

- The use of the phrase “maximum daily” implies that treatment plant capacity will be evaluated based on “maximum daily” flows and loadings...**
- We presume the intent was to use monthly average flows and loadings for capacity planning purposes. If so, we suggest deleting the phrase “maximum daily” from this paragraph.**

Section 4.7.2, page 20-21, Facility Capacity DEQ Response - EPA Region 10 Comment # 8

DEQ changed the sentence to:

“Each month the permittee must record and report on the DMR the influent average daily flow...”

Section 4.7.3.1, page 22, WET Test Requirements

EPA Region 10 – Comment # 9

This section should clarify that:

The “dilution factor” which determines whether acute or chronic whole effluent toxicity (WET) testing (or both) is required is based on the authorized mixing zone. See the EPA’s Technical Support Document ...

DEQ changed the sentence to:

“When the dilution factor from the authorized mixing zone is >1,000...”

Section 4.7.3.5, page 23, Accelerated Testing EPA Region 10 – Comment # 10

We recommend not stating a specific interval between receipt of a WET test result which exceeds a WET trigger or limit and the start of accelerated testing.

- While two weeks is common practice, DEQ should retain the discretion to set this interval on a case-by-case basis.**

Section 4.7.3.5, page 23, Accelerated Testing DEQ Response - EPA Region 10 Comment # 10

DEQ changed the sentence to:

“... the permit specifies how many tests are required, and when testing must begin (usually within 2 weeks of any WET testing results that exceed trigger or limit values).”

Section 4.7.3.6, page 23, Toxicity Reduction Evaluations

EPA Region 10 – Comment # 11

We recommend not stating in guidance a specific interval between receipt of an accelerated WET rest result which confirms toxicity and the initiation of a toxicity reduction evaluation (TRE).

- DEQ should retain the discretion to set this interval on a case-by-case basis.**

Section 4.7.3.6, page 23, Toxicity Reduction Evaluations

DEQ Response - EPA Region 10 Comment # 11

DEQ changed the sentence to:

“The permit will specify the minimum time interval between receiving the first accelerated test results that confirm toxicity and initiating the TRE (usually within 2 weeks of the first accelerated test results that confirm toxicity).”

Section 4.7.4.4, page 25, Pretreatment Program EPA HQ – Comment # 3

As currently drafted, the development of a pretreatment program seems to be a tool for resolving compliance issues.

- This section should be revised to reflect the language in 40 CFR Sec. 403.8(a) "Pretreatment Program Requirements: Development and Implementation by POTW"**

Section 4.7.4.4, page 25, Pretreatment Program DEQ Response - EPA HQ Comment # 3

DEQ revised this section:

- Reflects language in 40 CFR 403.8(a)***
- Moved the Significant Industrial Users to section 4.7.4.3.3, within the Industrial User Survey and Master List section.***

Section 4.7.7, page 39, De Minimis Sources EPA HQ – Comment # 4

What is the definition "de minimis" levels of mercury?

- Suggest including the specific level since a lot of the permitting approach described seems to be hinged on that factor.**

Section 4.7.7, page 39, De Minimis Sources DEQ Response - EPA HQ Comment # 4

DEQ defined de minimis dischargers in section 4.7.7 as, “...facilities that do not discharge enough mercury to be assigned a TMDL WLA nor do they have RPTe to exceed the mercury criteria.

- De minimis dischargers are confirmed through effluent monitoring of mercury concentration.”***
- DEQ will identify in the permit’s fact sheet whether the discharge is considered significant or de minimis.***

Section 4.7.7.1, page 39-40, Mercury Minimization

EPA HQ – Comment # 5

Suggest including a description or example of what is a "qualitative evaluation" that a de minimis discharger could perform to evaluate the possible contributing conditions to methylation.

DEQ clarified that for de minimis dischargers, the mercury minimization plan should qualitatively evaluate, "...methylation rates in systems with similar mercury sources and methylation conditions."

Section 4.7.8, page 40, Phosphorus Management Plans EPA HQ – Comment # 6

Will a determination be made about whether there is reasonable potential when there is an applicable water quality standard for phosphorus in the receiving water?

- It needs to be clear that these management plans will work along with the requirements of 40 CFR 122.44(d), which requires that water quality based effluent limitations be included in permits if there is reasonable potential.**

Section 4.7.8, page 40, Phosphorus Management Plans

DEQ Response - EPA HQ Comment # 6

DEQ clarified that the phosphorus management plan would be included:

- (1) “When the discharge contributes nutrients to an impaired water body without an approved TMDL, and not enough information exists to determine the facility’s contribution to the impairment...”and*
- (2) “...when there is a TMDL load allocation assigned to the receiving water body because it contributes to the impairment of a downstream water body.”*

A facility’s phosphorus management plan includes compiling effluent and monitoring data, developing reduction goals, and implementing phosphorus reduction strategies.

Section 4.7.9, page 41, Mixing Zone Study EPA Region 10 – Comment # 12

The phrase “for non-flowing waters” should be deleted from the first sentence of the last paragraph of this section. Waters need not meet the definition of “non-flowing” in order for temperature stratification to be an important factor in mixing.

DEQ deleted “For non-flowing waters...”

Section 4.7.13, page 42, Biosolids EPA Region 10 – Comment # 13

This section should state that, until DEQ has an authorized biosolids program, POTWs and other treatment works treating domestic sewage (TWTDS) will be subject to federal regulations governing the use and disposal of sewage sludge at 40 CFR Part 503.

Section 4.7.13, page 42, Biosolids DEQ Response - EPA Region 10 Comment # 13

DEQ added two sentences to this section:

“Until DEQ has an authorized biosolids program, POTWs and other TWTDS must continue submitting required reports to EPA. When DEQ is authorized to implement a biosolids program, POTWs and TWTDS will continue to be subject to federal regulations at 40 CFR 503 governing the use and disposal of sewage sludge...”

Section 4.7.13, page 42, Biosolids EPA Region 10 - Comment # 14

This section should state that Idaho DEQ will begin administration of the biosolids program in 2021. This section should state that the EPA will continue to have jurisdiction over biosolids generated, handled or disposed at federal facilities and on Tribal land even after IDEQ implements the delegated federal biosolids program in 2021.

DEQ did not add a specific date for anticipated authorization, and did not add reference to tribal/federal lands, which have been addressed in the IDAPA 58.01.25 and the User's Guide Volume 1.

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2018 IPDES Guidance Strategy

- **Reasonable Potential Analysis Spreadsheet**
 - General review
- **IPDES Permit Writer Supplement (AIC)**
 - Options and opportunities for permitting
 - Consistent with CFR, CWA, IDAPA, ELDG, etc.
- **User's Guide Volume 3—Non POTW**
 - Follow general format of User's Guide Volume 2

Guidance Schedule

- **Finalize and post ELDG**
- **February 6 – RPA Spreadsheet**
- **April 4 – Supplement / User's Guide**
- **May 30 – Supplement / User's Guide**
- **July 25 – Supplement (final) / User's Guide**
- **September 19 – User's Guide**
- **December 12 – User's Guide (final)**

Questions or Comments

