



## HAYDEN AREA REGIONAL SEWER BOARD

Protecting the Aquifer Since '88

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Ken Windram, Administrator

April 6, 2015

Ms. Paula Wilson  
Idaho Department of Environmental Quality  
1410 N. Hilton Boise, ID 83706  
(Transmitted via email: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov))

**RE: Docket No. 58-0102-1201 - Negotiated Rulemaking Implementation Tools – Discussion Paper #8**

Dear Ms. Wilson:

The Hayden Area Regional Sewer Board (HARSB) is a publicly-owned treatment facility operated under a Joint Powers Agreement. HARSB serves approximately 20,000 people in the City of Hayden, Hayden Lake Recreational Water and Sewer District, and Kootenai County's municipal airport. HARSB has a clear and compelling public interest in the subject rulemaking. HARSB also very much appreciates IDEQ's extensive efforts to promulgate water quality standards that are measurable and scientifically defensible with implementation tools that make them economically viable for Idaho's ratepayers. Accordingly, we offer the following comments for due consideration:

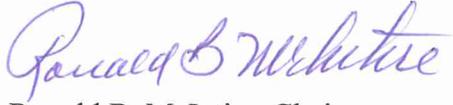
- HARSB strongly supports variances as necessary and appropriate implementation tools allowed by the Clean Water Act (CWA). Variances should be allowed for single and multiple dischargers in the same watersheds. Variance should run concurrent with NPDES permits and be allowed to continue with successive permits without extensive re-justification where the water quality, economics, and treatment technology conditions persist through no fault of the permit holders.
- HARSB strongly supports compliance schedules as necessary and appropriate implementation tools under the CWA. Compliance schedule rules should not include any predetermined maximum duration. Compliance schedules should be developed and updated with each discharge permit to demonstrate continual and measurable progress toward compliance with scientifically defensible HHWQC.
- HARSB strongly supports intake credits as a necessary and appropriate implementation tool for revised HHWQC where intake pollutant concentrations are widespread and not within a permit holder's ability to control. Intake credits should not result in further water quality impairment.
- HARSB supports restorative water quality standards as an alternative to variances where the magnitude of exceedance of HHWQC is large, the source of pollutant is not within a discharger's control, or the availability treatment technologies is not reasonably available for a long period of time (decades).
- HARSB strongly supports site-specific background pollutant criteria provisions as a necessary and appropriate implementation tool in conjunction with intake credit provisions.
- HARSB strongly supports pollution credit trading as a necessary and appropriate implementation tool under the CWA. Trading must include toxics and also must allow credit for reducing non-point sources. This is especially important due to the disconnect between site cleanup and product standards protective of human health risks under RCRA and TSCA rules but not protective when low

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concentrations of pollutants migrate to water bodies and cause non-compliance under the proposed HHWQC rules.

Having achievable implementation tools as a companion to the expected lowering of Idaho's human health water quality criteria (HHWQC) is crucial to HARSB maintaining consistent permit compliance and financial sustainability while continuing to improve Idaho's water quality. You may expect continuing engagement on our part in this and your parallel Use Attainability Analysis rulemaking efforts.

Sincerely,



Ronald B. McIntire, Chairman