

March 6, 2015

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

RE: Comments on IPDES Rulemaking Draft No. 2.0

Ms. Wilson,

I offer the following comments concerning the referenced draft of this rulemaking effort. Concerning expiring permits, there appears to be no opportunity for continuation of existing NPDES permits if the permit application was submitted to the EPA as prime agency during this proposed transition period to IPDES. The same appears true for general permits as well. I propose the following additions to the rule unless the existing draft language covers these instances.

101.04. Continuation of Expired Permits During Transition from NPDES to IPDES. If a permittee has submitted an application for renewal of a permit under federal NPDES and EPA has not denied the application, the existing permit will remain fully effective and enforceable until the Department issues an IPDES permit.

101.05. Continuation of Expired General Permits During Transition from NPDES to IPDES. If a General Permit has expired under federal NPDES, the existing permit will remain fully effective and enforceable until the Department issues an IPDES General Permit.

I also have a comment on section 105.17.c. This condition is not feasible for an existing facility with an existing cooling water intake structure. As written, the reference to 40 CFR 125.95(b)(1) supposes that information is submitted before cooling water intake occurs. The final sentence of the condition should be revised to say, "...all applicable provisions of 40 C.F.R. 125.95, incorporated by reference, to the Department as part of the application, except that the applicant's proposal for information collection must be submitted in compliance respectively with 40 C.F.R. 125.95(b)(1) for new units or 40 C.F.R. 125.95(a)(1 through 3 as applicable) for existing units, incorporated by reference." As an alternative, you could strike the remaining language after "to the Department as part of the application" to have the same effect.

Thank you for allowing me to comment on this portion of the rulemaking.

Sincerely,



Gary Lowe
TASCO TF Environmental Manager