



April 11, 2025

Dr. Mary Anne Nelson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Mary.Anne.Nelson@deq.Idaho.gov

Subject: Docket 58-0116-2501 Comments – Wastewater Rules

Dear Dr. Nelson,

Please accept this letter as public comment to the negotiated rulemaking docket No. 58-0116-2501, Wastewater Rules.

Comment #1:

Referenced Material 008.01.12-14:

Is there a reason these three guidance documents are being removed?

Comment#2:

Definitions 010.02

Please explain the reasoning behind setting a minimum response time at 30 minutes.

Comment#3:

Definitions 010.03 and 010.15 and 010.38

Is there a reason that the Average Daily Flow, Design Flow, and Mixing Zone definitions were removed? They are used in other areas of the rules. These seem like important parameters to define to help ensure uniform application and understanding.

Comment#4:

Definitions 010.18

Please explain the reasoning behind removing waters of the state from the definition of discharge. This seems like an important distinction.

Comment #5:

Wastewater System Requirements- Operation- 201.03.b

Is this addition intended to address SSO's? If so, it should clarify that it is discharges prior to the treatment plant, under the control of the system.

Comment #6:Substitute Responsible Charge Operator- 203.01 and 409.03.c

Requiring a system to designate a substitute responsible charge operator at all times may be challenging for many systems in the state. Each system has the obligation to employ or retain one appropriately licensed operator to be designated as the facility's Responsible Charge Operator. By re-writing the language as it is proposed, the Department is essentially requiring each facility to have two responsible charge operators at all times. This can be challenging financially for many systems who may not have budget for two positions. This can also be challenging when staff leave a facility. Today, if the backup responsible charge operator quits, the main responsible charge operator must be available at all times, but the facility doesn't have to immediately designate another responsible charge operator. They have time to hire, train, and license a new operator to eventually fill the backup responsible charge operator. It will be challenging for many facilities to always meet this requirement as written.

Comment #7:Plan and Specification Review 400.03.a

Many projects are not constructed within one year (12 months). Previously this section was intended to ensure projects began construction within one year of plan review/approval by the Department. It now reads that projects must also have construction completed within one year after approval of the Department or the facility must seek a new approval or reapproval of the plans. Is there a reason for this change? It does say additional documentation can be provided if a project will take more than 12 months to construct, but this seems like additional work and requirements that do not serve a purpose.

Comment #8:Plan and Specification Review 400.03.c.iii-d.iii

This section states that a QLPE cannot approve plans for wastewater pump stations, force mains, or treatment facilities? If not a QLPE, then who can approve these?

What is the intent of taking away the ability for staff who work at the same municipality from performing the QLPE review on another staff's work for minor projects? This eliminates the ability for a city's staff to do QLPE review for other staff members projects. This could add cost and time to cities.

Comment #9:Plan and Specification Review 400.04

The rewrite as proposed would make it a requirement that a licensed professional engineer stamp all plans from a facility. The previous way it was written clarified that this requirement meant plans for construction. Facilities must develop many "plans" for DEQ such as Mercury Minimization Plans, Operation and Maintenance Plans, and Emergency Response Plans just to name a few. Those plans should not be required to be created and stamped by a professional engineer. This will add time and cost to all systems across the state. I don't think this is the intent of the re-write, but it could be interpreted in this way.

Comment #10:Construction Inspection 400.09

The rewrite now requires that a professional engineer (PE) inspect all construction elements of a project. Previously it allowed other qualified personnel to perform inspections. Many facilities employ their own Public Works Inspectors, who are not PEs to inspect projects. This change would create a significant cost and burden to facilities.

Comment #11:Facility Plans 410.04.b.i

The rewrite requires the submission of the computerized hydraulic model not just the analysis or output of the hydraulic model. If this is truly the intent, does DEQ plan to utilize or run all of the system's hydraulic models? Many of these models require specialized software and technical ability to run the models correctly. What is the purpose and intent of this change?

Comment #12Facility Plan Guidance 410.04.d

It appears that this rewrite is removing the facility plan guidance document. Is DEQ not intending to keep this document? If not, where should facilities go for guidance on the creation of facility plans?

Comment #13PERs 411.01

The rewrite states that a PER must be completed for any project and removes the word "major". This change could add significant additional workload for facilities and DEQ. Please clarify what the intent of this change is. The way this is written, for example, could imply that if a system wants to change out the type of weir washer it is using and put in a new type it could require a PER.

Comment #14Design and Construction of Wastewater Pipelines 430.02.o.iii

Please explain the requirement specifying that crossings must be perpendicular. This will impact development as it removes the flexibility to cross at slightly varying angles.

Comment #15Unit Bypass 450.04.a

The wording indicates that bypasses must be provided so that "each unit of the plant can be removed from service independently." This provides no allowance for non-critical treatment units (e.g. side stream phosphorus removal or biosolids dryers for example). The wording should provide allowance for non-critical functions/equipment to not fall under this requirement.

Additionally, consideration should be given to allow any unit bypassing if permit required effluent parameters are met. For instance, if a plant had tertiary filters installed, but was able to meet their permit limits directly from the secondary clarifiers, without filtration, they should be able to bypass the tertiary filters because effluent requirements are met. This would allow facilities to save on energy and chemical consumption when they are not needed. The receiving water is protected because permit limits are met.

Comment #16Operation and Maintenance 450.09

This rewrite took out the requirement for the Department to "approve" O&M manuals. However, in the next section it states that the facility must operate in adherence to the "approved manual". Please clarify if O&M Manuals must be approved by DEQ or just submitted to DEQ and adhered to by the facility.

The City of Meridian appreciates the opportunity to submit these comments and looks forward to working with our State and local partners in the development of these important rules. Should you have questions concerning our comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurelei McVey". The signature is fluid and cursive, with the first name "Laurelei" written in a larger, more prominent script than the last name "McVey".

Laurelei McVey
Public Works Director
City of Meridian
208-489-0365
Lmcvey@meridiancity.org