



## PUBLIC WORKS DEPARTMENT

MAYOR: Lauren McLean | DIRECTOR: Stephan Burgos

Dear Mary Anne,

Thank you for allowing the City of Boise to participate in the ZBR for the Wastewater Rules (58.01.16). DEQ's thorough efforts to streamline the rule, provide more clarity and improve consistency between rules is appreciated.

The city has some comments and recommendations for consideration.

### 1. Sanitary Sewer Overflows

Current municipal IPDES permits contain standard language that obligates permit holders to report occurrences of certain noncompliance by telephone within 24 hours of becoming aware of such events. Specifically, the permits require the reporting of any overflow prior to the treatment works that falls under the permittee's ownership or operational control, or any overflow from a contributing collection system that is influenced by the permittee's infrastructure.

*The permittee must report the following occurrences of noncompliance by telephone within 24 hours of the time the permittee becomes aware of the circumstances.....*

*Any overflow prior to the treatment works over which the permittee has ownership or operational control; or an overflow from a contributing collection system that affected or was affected by the permittee's operation or infrastructure. An overflow is any spill, release, or diversion of municipal sewage including:*

- a. An overflow that results in a discharge to waters of the United States; or*
- b. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a building service line), or discharged to the soil's surface that does not reach waters of the United States. The permittee must report these...*

The current interpretation of an overflow categorizes even a single drop of wastewater that backs up into a toilet as noncompliance, thereby constituting an IPDES permit violation. This overly broad perspective circumvents the intent behind the language in Idaho's IPDES permits, which was likely designed to focus on serious incidents of negligence or inadequate maintenance of collection systems by permittees. If Idaho permittees are compelled to report every minor incident, the consequent rise in the reported instances of significant noncompliance places a disproportionate burden on IPDES compliance officers, significantly increasing their workload.

To address this issue, the city recommends the addition of a definition of "sanitary sewer overflow" to the Idaho's wastewater rules. The city proposes that additional definitions categorize SSO events, differentiating between minimal incidents—such as a single drop into a confined basin—and significant overflows that entail thousands of gallons discharging onto soil, surface water, or causing backups due to neglect in operation or maintenance.

**Proposed Definitions:**

“Sanitary sewer overflow” or “SSO” shall refer to any unpermitted discharge of wastewater from the collection or treatment system of a community wastewater treatment plant, excluding permitted outfalls.

“Release” shall denote the flow of sewage from any portion of the collection or transmission system owned or operated by a publicly owned treatment works (POTW) or community wastewater treatment plant, which does not reach waters. This definition will also encompass backups into buildings or private properties resulting from blockages, flow conditions, or malfunctions originating from the permittee's collection or transmission system. Notably, a “release” will exclude backups caused by issues originating in private laterals, vandalism, natural events (e.g., lightning), damage from third-party utility work, or circumstances directly associated with planned maintenance when conducted under controlled conditions.

Recognizing that sanitary sewer overflows—both dry-weather and wet-weather—are prohibited for community wastewater systems is critical. Additionally, any releases resulting from improper operation and maintenance—determined by the IPDES compliance officer based on the totality of circumstances—are prohibited.

In relation to industrial dischargers, the discharge of pollutants outside of permitted outfalls is similarly prohibited.

**Example Future Permit Language:**

To improve clarity and enforceability, future IPDES permits could distinctly differentiate between the reporting of SSOs and releases. Both should be reported, but releases that are not due to improper operation and maintenance, are not noncompliance events.

The permittee shall operate the collection system to avoid sanitary sewer overflows and releases due to improper operation or maintenance. A “release” may be due to improper operation or maintenance of the collection system or may be due to other cause(s). Releases caused by improper operation or maintenance of the permittee’s collection and transmission system are prohibited.



The permittee shall take all reasonable steps to minimize any adverse impact associated with releases.

Through these recommendations, we seek to enhance regulatory clarity and focus resources on truly significant compliance issues, ensuring that the intent of the IPDES framework is upheld while protecting public health and the environment.

## 2. Integrated Plan Reference

To promote sustainable financial management of wastewater infrastructure, Integrated Planning should be identified as an option within the Facility Plan section of the wastewater rules. This approach aligns wastewater management objectives of optimizing investment and enhancing the ability to meet regulatory requirements and community needs. Integrated Plan language was added by DEQ to the IPDES Rules a couple of years ago. The city recommends incorporating references to the relevant section of the IPDES rules where appropriate. For example, in Section 409, Demonstration of Technical, Financial, and Managerial Capacity, DEQ has included the following in rule Draft 1: “Existing wastewater systems incapable of demonstrating technical, financial, or managerial capacity as identified through operational problems, may be required to submit additional technical, financial, or managerial documentation to the Department for review and approval.” The city recommends adding the following: “Integrated Planning is a voluntary process for municipalities to identify efficiencies from separate wastewater and storm water programs to best prioritize capital investments and achieve human health and water quality objectives. Integrated planning is a strategy municipalities can use to effectively allocate resources and address their infrastructure needs (see IPDES Rules for Integrated Plan definition at IDAPA 58.01.25.010.44 and specific requirements for an Integrated Plan at IDAPA 58.01.25.105.20). Reference to the IPDES rules also could be added to the definitions section of the wastewater rules where other related rules are identified.

## 3. Editorial Comments and Definitions Comments

| Section              | Item  | Issue  | Recommendation |
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| Referenced Materials | “Wastewater Engineering, Treatment and Reuse,” Metcalf and Eddy.” | 5th edition is titled ""Wastewater Engineering: Treatment and Resource Recovery" | Update title.  |



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| Definitions | 04. Beneficial Use                  | 04. Not consistent with Recycled Water Rules   | Evaluate consistency with other rules.   |
|             | 05. Biochemical Oxygen Demand (BOD) | 05. Not consistent with Recycled Water Rules   | Evaluate consistency with other rules.   |
|             | 21. Effluent                        | 21. Not consistent with IDPES Rules  | Evaluate consistency with other rules.   |
|             | 24. Equivalent Dwelling Unit (EDU)  | 24. Not consistent with IPDES Rules  | Evaluate consistency with other rules.   |
|             | 25. Facility Plan                   | A Facility Plan may be referred to as a master plan or facilities planning study <b>and is updated on a regular basis</b> to account for growth patterns, regulatory requirement or other needs. | The city recommends that “regular basis” is too subjective and could be applied inconsistently. The city recommends that additional language be included in Section 410. |
|             | 30. Industrial Wastewater           | 30. Not consistent with Recycled Water Rules   | Evaluate consistency with other rules.   |
|             | 31. Land Application                | 31. Not consistent with Recycled Water Rules   | Evaluate consistency with other rules.   |



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|  | 39. Municipal Wastewater | 39. Not consistent with Recycled Water Rules                                      | Evaluate consistency with other rules.           |
|  | 54. Potable Water        | 54. Not consistent with the detailed RW Rules definition but similar to DW Rules. | Evaluate consistency with other rules.           |
|  | 63. Receiving Waters     | 63. Not consistent with IPDES Rules   | Evaluate consistency with other rules.           |
|  | 65. Recharge Water       | 65. This definition is out of place in these rules.                               | Recommend moving to GWQR as it's not wastewater. |
|  | 74. Secondary Treatment  | 74. Not consistent with IPDES Rules   | Evaluate consistency with other rules.           |
|  | 75. Septage              | 75. Not consistent with IPDES Rules   | Evaluate consistency with other rules.           |
|  | 77. Sewage               | 77. IPDES references WW Rules, Recycled Water Rules has most updated definition.  | Evaluate consistency with other rules.           |
|  | 86. Treatment Facility   | 86. For the purpose of these rules, a   | Recommend the addition of the term               |



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|  |                     | treatment facility may also be known as a treatment system, a <b>wastewater system</b> , wastewater treatment system, wastewater treatment facility, or wastewater treatment plant. | “wastewater system” to the definition. |
|  | 96. Water Pollution | 96. Not consistent with IPDES Rules   | Evaluate consistency with other rules. |

#### 4. Additional Comments

| Section  | Text  | Issue   | Recommendation/Comment   |
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| 201.03.b<br>Wastewater System Requirements           | New text in this section:<br><b>b.</b> Ensure that untreated or partially treated wastewater is not disposed of to the ground surface unless otherwise permitted or approved by the Department; and | Text is redundant with other sections, please see City of Boise comment #1. | Recommend removing this section.   |
| 400 Review of Plans for Municipal Wastewater Systems | Plans and specifications for municipal wastewater systems must comply.....  | Clarity needed.   | Recommend inserting "material modifications to" before municipal ww systems. Also recommend deleting new addition of "the plans and specifications must contain sufficient detail to allow for |



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|   |  |  | the contracting and construction of ww systems" as this text is subjective and may lead to confusion.  |
| 400.03.a Plan and Specification Review  | The proposed rule changed from construction completed within 12 months to construction commenced.  |  | Recommend changing back to commenced. Could cause unnecessary changes to projects already under construction due to re-review.   |
| 400.05.a Record Plan and Specification  | DEQ added words "by the design engineer"   |  | Recommend deleting as it could conflict with IDAPA 39-118(3)   |
| 400.06 Compliance with Applicable Standards   | Exception to P&S Review  |  | Recommend inserting "or for wastewater system projects not explicitly covered by Section 430 through 650 of these Rules"   |
| 401.01 Review of Plans for Nonmunicipal Wastewater Treatment or Disposal Facilities | Plan and Specification Approval Required. The construction, alteration or expansion of any nonmunicipal wastewater treatment or disposal facility must not begin before plans and specifications for the proposed facility have been submitted to and approved by the Department. Deviations may be allowed as | The Department does not require review of industrial in-plant processes. | For some industries it can get complicated determining what is considered an industrial in-plant process and what requires a permit. Some industries may request voluntary permits either way. |



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|                                | provided in Subsection 401.02.   |  |   |
| 401.04.a                       | Must be submitted to the Department as specified in Section 39-118(3), Idaho Code.   |  | Recommend deleting as it could conflict with IDAPA 39-118(3)  |
| 401.04.b                       | Record plans and specifications, or a statement submitted in lieu of record plans and specifications, must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation.   |  | Recommend inserting “or for wastewater system projects not specifically covered by the Rules.” for consistency. |
| 493.01.a<br>Wastewater Lagoons | These rules pertain to all new and existing municipal wastewater lagoons, including discharging or non-discharging lagoons, municipal wastewater treatment lagoons, municipal wastewater storage lagoons, and any other municipal wastewater lagoons that, if leaking, have the potential to degrade waters of the state. Lagoons are also sometimes referred to as ponds. Section 493 does not apply to | It is unclear how this rule applies to recycled water storage lagoons. | Recommend clarification of applicability to recycled water storage lagoons.                                     |



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|   | industrial lagoons or mining tailings ponds, single-family dwellings utilizing a single lagoon, two (2) cell infiltrative system, those animal waste lagoons excluded from review under Section 39-118, Idaho Code, or storm water ponds. |  |  |
| 600<br>Land Application of Wastewater(s) or Recharge Waters | Entire section.   | Land Application of Wastewater now overlaps with the RW rule and is no longer necessary. | Recommend deletion of Section 600 and moving regulations applicable to recharge water into the GWQR. |

Thank you again for the opportunity to submit comments. If you have any questions, I may be reached at [kharris@cityofboise.org](mailto:kharris@cityofboise.org) or 208-608-7178.

Kate Harris

