



Association of Idaho Cities
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July 30, 2018

Ms. Paula Wilson, Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N Hilton
Boise, ID 83706

Re: Docket No. 58-0102-1803 - Rulemaking "Insignificant Additions of Heat"

Dear Ms. Wilson/Paula,

The Association of Idaho Cities (AIC) serves to advance the interests of the cities of Idaho through legislative advocacy, technical assistance, training, and research. Idaho cities play important roles as primary implementers of the Clean Water Act, representing over 70% of all Idaho residents. These stakeholders have a significant interest in the development of water quality standards, rules, and guidance related to the protection of human and aquatic life. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Council President Pro Tem Elaine Clegg and our Municipal Water Users Group, chaired by Jerome City Council President Bob Culver.

The Idaho Department of Environmental Quality (DEQ) is proposing a rule revision to allow insignificant additions of heat in waters that exceed applicable temperature criteria. Currently, Idaho's point source treatment requirements limit point sources of heat to raising receiving water temperatures by no more than 0.3°C when the receiving water is naturally warmer than numeric criteria. As of now there is no allowance for any increase, however small, when it cannot be shown receiving water temperatures are naturally warmer than criteria. The proposed rule revision seeks to clarify whether small or intermittent anthropogenic sources of heat have any measurable marginal thermal impacts to receiving waterbodies.

Idaho has many very small point sources. All add some heat to the waters to which they discharge. And, in most cases, the water bodies to which they discharge are warmer than Idaho's numeric temperature criteria set to protect aquatic life for a portion of each year.

This rulemaking proposes allowing NPDES/IPDES regulated human sources of heat loading to cause no more than a de minimus 0.3°C increase in receiving water temperatures. This would allow a 0.3°C increase to waters that are exceeding the numeric temperature criteria upstream for the designated aquatic life use.

AIC ***supports*** the proposed rule revisions, and encourages DEQ, EPA, and other Idaho stakeholders to take the following into consideration in their support of the proposed rule revision:

- Heat is a non-conservative pollutant; that is, thermal impacts dissipate (i.e., undergo a natural decay in the environment) within receiving waterbodies.
- The proposed rule revision establishes an effective limit to anthropogenic thermal loads so that they remain insignificant when compared to normal water temperatures (i.e., due to existing sources of heat input).
- Practical applications of Idaho’s current temperature criteria in EPA-approved TMDLs support the proposed rule revisions by taking into consideration monitoring accuracy constraints and other existing sources of heat input.
- The Clean Water Act provides for States to develop estimated thermal load restrictions that “take into account the ***normal*** water temperatures, flow rates, seasonal variations, ***existing sources*** of heat input, and the ***dissipative capacity*** of the identified waters...” (CWA § 303(d)(1)(D), emphasis added).

AIC appreciates the opportunity to comment on the proposed rule revision to allow insignificant additions of heat in waters that exceed applicable temperature criteria and looks forward to working with our state and other partners in these efforts. Should you have questions concerning our attached comments, please feel free to contact me.

Sincerely,



Jess Harrison, Executive Director

cc: Elaine Clegg, AIC Environment Committee Chair
Bob Culver, AIC Municipal Water Users Group Chair
Johanna Bell, AIC Policy Analyst
Tom Dupuis, AIC Environmental Consultant