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FILE NO: 29142.060067

Via E-Mail

Ms. Dru Keenan
Office of Water and Watersheds
U.S. EPA Region 10
1200 Sixth Avenue
Suite 155, OWW-191
Seattle, WA 98101
keenan.dru@epa.gov

Re: Request for 30 Day Extension of Comment Period for EPA Region 10 Proposed Issuance of NPDES General Permit for Hydroelectric Facilities Within Idaho, 83 Fed. Reg. 18,555 (Apr. 27, 2018).

Dear Ms. Keenan:

The Utility Water Act Group (“UWAG”) respectfully requests a thirty-day extension of the comment period on the U.S. Environmental Protection Agency (“EPA”) Region 10 request for input on the Proposed Issuance of NPDES General Permit for Hydroelectric Facilities Within the State of Idaho. 83 Fed. Reg. 18,555 (Apr. 27, 2018). Comments are currently due on June 11, 2018. UWAG requests that the comment period be extended through July 11, 2018, and that EPA promptly notify the public regarding any applicable extension.

UWAG is a voluntary, non-profit, unincorporated group of 153 individual energy companies and three national trade associations of energy companies: the Edison Electric Institute, the National Rural Electric Cooperative Association, and the American Public Power Association. UWAG members operate hydroelectric facilities, power plants, and other facilities that generate, transmit, and distribute electricity to residential, commercial, industrial, and institutional customers. One of UWAG’s purposes is to participate on behalf of its members in EPA regulatory actions under the Clean Water Act (“CWA”) and in litigation arising from those regulatory actions. UWAG’s membership includes owners and operators of hydroelectric facilities that would be affected by the adoption and issuance of the Proposed General Permit.

Given extensive experience with hydroelectric utilities and NPDES permitting issues, UWAG is uniquely positioned to offer an important perspective on the Proposed General Permit. Because this proposal presents issues of first impression regarding the applicability of CWA section 316(b) to hydroelectric facilities, and, if applicable, the appropriate standards for such

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facilities, additional time is warranted. In order to provide meaningful comments, we must have adequate time to consider the Proposed Permit, Fact Sheet, and Water Quality Certification and develop appropriate recommendations. Further, there do not appear to be any statutory or court ordered deadlines that would prevent EPA from granting the request to extend the comment period.

We have discussed the Proposed Permit with other stakeholders and there are similar concerns with the duration of the public comment period given the significance of the Proposed Permit. EPA will likely receive additional requests for extension of the public comment period.

We respectfully request that EPA provide an additional thirty days, through July 11, to comment on the proposed permit and notify the public as soon as possible as to the extension. Thank you for your prompt attention to this important matter.

Sincerely,



Kerry L. McGrath

cc: Loren Moore, Idaho Department of Environmental Quality
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