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**Idaho Conservation League**

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208.345.6933

Helen Bresler  
Department of Ecology, Water Quality Program  
PO Box 47600  
Olympia, WA. 98504-7600

11/13/10

**RE: Idaho Conservation League comments on WA DOE Draft Water Quality Trading Framework**

Dear Ms. Bresler;

Thank you for the opportunity to comments in the Department's draft framework for pollutant trading.

The Idaho Conservation League (ICL) has a long history of involvement with water quality issues and NPDES permitting in Idaho. As Idaho's largest state-based conservation organization we represent over 9,800 members, many of whom have a deep personal interest in protecting Idaho's water quality and the health of all Idahoan's from the harmful effects of effluent discharge.

We have had considerable experience with Idaho's efforts to develop and implement various pollutant trading scenarios. Recently we successfully appealed an EPA effort to integrate phosphorus trading into the NPDES permit for the City of Twin Falls. This proposal was not supportable because Idaho's DEQ had not developed appropriate trading ratios.

Our objection to the aforementioned trading proposal aside, we do not object to the concept of trading as long as the trading framework and specific trades meet rigorous standards.

Ecology's proposed framework notes many necessary components of acceptable trading and we commend you for the obvious thought and care that has gone into this issue from your office. There are several items that we would like to highlight in our comments – some of these are endorsement of items you have articulated and others are notes of caution and/or opposition to certain aspects of your framework.

**Conservation Benefits**

We endorse your statement that “[t]he objective of a water quality credit-trading program is to facilitate economic exchanges that demonstrably reduce pollution and clean up

impaired surface water more quickly” (Page 1).

We do not support trading if the only intent is to save the buyer money. Trades are not merely about economic efficiency. Trades are about reducing pollution. To this end we believe that mechanisms need to be inserted in your framework that provide for the mandatory permanent retirement of credits and a ‘conservation factor’ to be inserted in the calculation of ratios. Ecology flirts with this notion a little bit in the section entitled, “What is a credit?” and a later sentence entitled “Retiring credits.” Your framework would be strengthened considerably by explicitly stating that there *must* be permanent conservation benefits to trading rather than allowing terms like “may” to govern.

### **Non-Point Trades**

Your framework states “Nonpoint pollution sources receive a load allocation, which establishes a baseline that must be met before non-point credits that may be traded accrue” (Page 3). We support this notion because it mandates TMDL compliance in advance of trading. Further it ensures that all non-point sources are doing their obligatory reductions prior to some additional BMP project that could be used for a credit.

That said, we are leery of trades that involve non-point sources. It has been our experience that individual non-point sources do not reliably deploy and/or maintain BMPs and that there can be tremendous variability in the benefits derived from like BMPs deployed by different landowners and in different areas.

Further, it is often the case that there is no monitoring of individual non-point sources and as such is not possible to accurately gauge the value of specific BMP project. If non-points are to be allowed to sell credits, Ecology must ensure that site specific monitoring is reliably taking place and that they are submitting the equivalent of a point source’s DMR.

Again, thank you for the opportunity to provide these comments. Please do not hesitate to contact me at 208-345-6933 ext 24, or at [jhayes@idahoconservation.org](mailto:jhayes@idahoconservation.org) if you have any questions about our comments or if we can be of service.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justin Hayes', with a stylized flourish at the end.

Justin Hayes  
Program Director