



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C.L. "Butch" Otter, Governor
Curt Fransen, Director

September 8, 2014

Mr. Michael J. Lidgard
NPDES Permits Unit Manager
EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Subject: FINAL §401 Water Quality Certification for the City of Weippe Wastewater Treatment Plant,
Permit # ID-0020354

Dear Mr. Lidgard:

On August 19, 2014, the Lewiston Regional Office of the Idaho Department of Environmental Quality (DEQ) received the proposed final draft of the above-referenced permit for the City of Weippe Wastewater Treatment Plant. Section 401 of the Clean Water Act requires that states issue certifications for activities which are authorized by a federal permit and which may result in the discharge to surface waters. In Idaho, the DEQ is responsible for reviewing these activities and evaluating whether the activity will comply with Idaho's Water Quality Standards, including any applicable water quality management plans (e.g., total maximum daily loads). A federal discharge permit cannot be issued until DEQ has provided certification or waived certification either expressively, or by taking no action.

This letter is to inform you that DEQ is issuing the attached §401 Water Quality Certification subject to the terms and conditions contained therein.

Please contact me directly at (208) 799-4370 to discuss any questions or concerns regarding the content of this certification.

Sincerely,

A handwritten signature in blue ink that reads "John Cardwell".

John Cardwell
Regional Administrator
Lewiston Regional Office

cc: John Drabek, EPA Region 10
Miranda Adams, DEQ State Office
TRIM



Idaho Department of Environmental Quality Final §401 Water Quality Certification

September 8, 2014

NPDES Permit Number(s): City of Weippe Wastewater Treatment Plant NPDES Permit #ID-0020354

Receiving Water Body: Jim Ford Creek

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollutant Discharge Elimination System (NPDES) permits and issue water quality certification decisions.

Based upon its review of the above-referenced permit and associated fact sheet, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the discharge will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02), and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.

Antidegradation Review

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

- Tier 1 Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- Tier 2 Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
- Tier 3 Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier 1 protection for that use, unless specific circumstances warranting Tier 2 protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

Pollutants of Concern

The City of Weippe Wastewater Treatment Plant discharges the following pollutants of concern: biochemical oxygen demand (BOD₅), total suspended solids (TSS), *Escherichia coli* (*E. coli*), pH, total phosphorus, total residual chlorine, and total ammonia-nitrogen. Effluent limits have been developed for BOD₅, TSS, *E. coli*, pH, total phosphorus, and total residual chlorine. No effluent limits are proposed for total ammonia-nitrogen.

Receiving Water Body Level of Protection

The City of Weippe Wastewater Treatment Plant discharges to Jim Ford Creek within the Clearwater Subbasin assessment unit (AU) ID17060306CL035_03 (Jim Ford Creek-source to Jim Ford Cr waterfall, 12.5mi). This AU has the following designated beneficial uses: cold water aquatic life and primary contact recreation. In addition to these uses, all waters of the state are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

The cold water aquatic life and primary contact recreation uses in the Jim Ford Creek AU are not fully supported due to excess bacteria, nutrients, sedimentation/siltation, and temperature; also, physical substrate habitat alterations and flow regime alterations (2010 Integrated Report). As such, DEQ will provide Tier 1 protection only for the aquatic life use and the recreation beneficial use (IDAPA 58.01.02.051.01).

Protection and Maintenance of Existing Uses (Tier 1 Protection)

As noted above, a Tier 1 review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. In order to protect and maintain designated and existing beneficial uses, a permitted discharge must comply with narrative and numeric criteria of the Idaho WQS, as well as other provisions of the WQS such as Section 055, which addresses water quality limited waters. The numeric and narrative criteria in the WQS are set at levels that ensure protection of designated beneficial uses. The effluent limitations and associated requirements contained in the City of Weippe Wastewater Treatment Plant permit are set at levels that ensure compliance with the narrative and numeric criteria in the WQS.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. A central purpose of TMDLs is to establish wasteload allocations for point source discharges, which are set at levels designed to help restore the water body to a condition

that supports existing and designated beneficial uses. Discharge permits must contain limitations that are consistent with wasteload allocations in the approved TMDL.

In the absence of a TMDL and depending upon the priority status for development of a TMDL, the WQS stipulate that either there be no further impairment of the designated or existing beneficial uses or that the total load of the impairing pollutant remains constant or decreases (IDAPA 58.01.02.055.04 and 58.01.02.055.05). Discharge permits must comply with these provisions of Idaho WQS.

The EPA-approved *Jim Ford Creek Total Maximum Daily Load* (March 2000) establishes wasteload allocations for bacteria and nutrients. These wasteload allocations are designed to ensure that Jim Ford Creek will achieve the water quality necessary to support its existing and designated aquatic life beneficial uses and comply with the applicable numeric and narrative criteria. The effluent limitations and associated requirements contained in the City of Weippe Wastewater Treatment Plant permit are set at levels that comply with these wasteload allocations.

The proposed permit contains limits for pollutants of concern (Table 1, below) including BOD₅, TSS, *E. coli*, pH, total phosphorus, and total residual chlorine which are the same as, or more stringent than those in the current permit (“NC” or “D” in change column). Therefore, no adverse change in water quality and no degradation will result from the discharge of these pollutants.

Additionally, two new permit monitoring requirements are proposed for total phosphorus from August 1 – March 31, and ammonia-nitrogen. The new permit will require the City of Weippe Wastewater Treatment Plant to report monthly averages for total phosphorus from August 1 – March 31, and ammonia-nitrogen to be used for future wastewater characterization. The pollutant limits in the proposed permit reflect a maintenance or improvement in effluent and water quality from current conditions. Therefore, no adverse change in water quality and no degradation will occur with respect to the issuance of this permit.

In sum, the effluent limitations and associated requirements contained in the City of Weippe Wastewater Treatment Plant permit are set at levels that ensure compliance with the narrative and numeric criteria in the WQS and the wasteload allocations established in the *Jim Ford Creek Total Maximum Daily Load*. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in the Jim Ford Creek in compliance with the Tier 1 provisions of Idaho’s WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

Table 1. Comparison of current and proposed permit limits for pollutants of concern.

Pollutant	Units	Current Permit			Proposed Permit			Change ^a
		Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	
Pollutants with limits in both the current and proposed permit								
Biochemical Oxygen Demand (BOD ₅)	mg/L	45	65	—	30	45	—	D
	lb/day	153	230	—	134	201	—	
	% removal	—	—	—	≥85%	—	—	
TSS	mg/L	70	105	—	30	45	—	D
	lb/day	153	230	—	134	201	—	
	% removal	—	—	—	≥85%	—	—	
pH	standard units	6.5–9.0 all times			6.5–9.0 all times			NC
Total Phosphorus Seasonal Average, April 1 – July 31	mg/L	0.22	0.43	—	30 lbs/month			NC
	lbs/day	1.0	1.9					
<i>E. coli</i>	no./100 mL	126	—	406	126	—	406	NC
Total Residual Chlorine (final)	mg/L	0.32	—	0.97	0.32	—	0.97	NC
	lb/day	1.43	—	4.33	1.43	—	4.33	
Pollutants with new monitoring requirements in the proposed permit								
Total Phosphorus, August 1 – March 31	lbs/day	—	—	—	—	—	—	New
Total Ammonia-Nitrogen	mg/L	—	—	—	—	—	—	New

^a NC = no change, I = increase, D = decrease.

Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

Mixing Zones

Pursuant to IDAPA 58.01.02.060, DEQ authorizes a mixing zone that utilizes the critical flow volumes of Jim Ford Creek for total residual chlorine. Jim Ford Creek is intermittent at the discharge point and the permit provides a 50:1 minimum dilution requirement.

Other Conditions

This certification is conditioned upon the requirement that any material modification of the permit or the permitted activities—including without limitation, any modifications of the permit to reflect new or modified TMDLs, wasteload allocations, site-specific criteria, variances, or other new information—shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401.

Right to Appeal Final Certification

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the “Rules of Administrative Procedure before the Board of Environmental Quality” (IDAPA 58.01.23), within 35 days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to Sujata Connell, Lewiston Regional Office at 208-799-4370 or Sujata.Connell@deq.idaho.gov.



John Cardwell

Regional Administrator

Lewiston Regional Office