



Idaho Department of Environmental Quality  
**DRAFT §401 Water Quality Certification**

August 8, 2011

NPDES Permit Number: City of Bonners Ferry Wastewater Treatment Plant, **ID-002022-2**

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC 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 (NDPES) permits and issue water quality certification decisions.

DEQ has reviewed the draft NPDES permit and associated fact sheet for the above-referenced facility. Based upon its review and consideration of this information, DEQ certifies that if the permittee complies with the terms and conditions imposed by the above-referenced 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, including the Idaho Water Quality Standards (IDAPA 58.01.02) and other appropriate water quality requirements of state water quality 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.

**MIXING ZONES**

Pursuant to IDAPA 58.01.02.060, DEQ authorizes a mixing zone for chlorine and ammonia that utilizes up to 25% of the critical flow volumes of the Kootenai River.

**ANTIDegradation**

Idaho Water Quality Standards provide that existing uses and the water quality necessary to protect the existing uses shall be maintained and protected (IDAPA 58.01.02.051.01). In addition, where water quality exceeds levels necessary to support uses, that quality shall be maintained and protected unless the Department finds, after intergovernmental coordination and public participation, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located (IDAPA 58.01.02.051.02).

The effluent limitations in the proposed new permit for the City of Bonners Ferry WWTP are set at levels that ensure the State's numeric and narrative criteria will be met. The numeric and narrative criteria are set at levels which protect and maintain applicable

designated and existing beneficial uses. Therefore, in accordance with IDAPA 58.01.02.051.01, the limits in the proposed new permit protect and maintain designated and existing beneficial uses in the Kootenai River.

The City of Bonners Ferry Wastewater Treatment Plant (WWTP) discharges its treated wastewater to the Kootenai River (assessment unit ID17010104PN029\_08 Moyie River to Deep Creek), which is listed for temperature. DEQ has not prepared a temperature TMDL, and the priority for developing a TMDL is medium. In accordance with IDAPA 58.01.02.055.05, DEQ must assure that the discharge will not cause further impairment of the designated or existing beneficial uses.

Furthermore, the effluent limits in the proposed new permit for the City of Bonners Ferry WWTP are the same as in the existing permit and temperature monitoring has been added to evaluate the facility's thermal contribution to the river. Because the facility is not changing its treatment processes or expanding its design flow, the proposed permit does not authorize an increase in thermal contributions to the Kootenai River. The proposed new permit, therefore, ensures that the existing level of water quality in the Kootenai River is maintained and the analysis necessary to lower water quality set forth in IDAPA 58.01.02.052.06 is not triggered.

#### **OTHER CONDITIONS**

The certification is conditioned upon the requirement that any material modification of this permit or the permitted activities including without limitation, any modifications of the permit to reflect new or modified TMDL waste load allocations or other new information, shall first be provided to DEQ for review to determine compliance with Water Quality Standards 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 regarding the actions taken in this certification should be directed to June Bergquist, DEQ (Coeur d'Alene Regional Office) at (208) 666-4605.

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