



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

650 Addison Avenue West, Suite 110 • Twin Falls, Idaho 83301 • (208) 736-2190
www.deq.idaho.gov

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

April 24, 2015

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

RE: Final 401 Certification of the City of Fairfield Wastewater Treatment Facility, Camas County,
Idaho, NPDES Permit No. ID-0024384

Dear Mr. Lidgard:

The Twin Falls Regional Office of the Idaho Department of Environmental Quality (DEQ) has reviewed the U.S. Environmental Protection Agency's (EPA's) final NPDES permit for the City of Fairfield Wastewater Treatment Facility. The draft permit went through public comment from March 11, 2015 through April 10, 2015. DEQ received no written or email comments to submit to EPA.

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, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities.

Enclosed please find the Final 401 Certification for NPDES Permit No. ID-0024384. If you have any concerns or questions, please contact Dr. Balthasar Buhidar at (208) 736-2190 or Balthasar.buhidar@deq.idaho.gov regarding this final document.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Anderson", is written over the typed name.

David Anderson
Regional Administrator

DA/BBB:gl

ec: Stephen Berry, DEQ-State Office
Dr. Balthasar B. Buhidar, DEQ-Twin Falls Regional Office
Joseph Otero, DEQ-Twin Falls Regional Office



Idaho Department of Environmental Quality Final 401 Water Quality Certification

April 24, 2015

NPDES Permit Number(s): ID0024384 / City of Fairfield

Receiving Water Body: Soldier 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, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities.

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 Fairfield Wastewater Treatment Plant (WWTP) discharges the following pollutants of concern: BOD₅, total suspended solids (TSS), Escherichia coli (E. coli), pH, and total ammonia (NH₃). Effluent limits have been developed for BOD₅, TSS, E. coli and pH. No effluent limits are proposed for NH₃.

Receiving Water Body Level of Protection

The Fairfield WWTP discharges via an unnamed drainage ditch to Soldier Creek within the Camas Creek Subbasin assessment unit (AU) 17040220SK011_02 (Soldier Creek – Wardrop Creek to mouth). -Soldier Creek is undesignated. DEQ presumes undesignated waters in the state will support cold water aquatic life and primary and secondary contact recreation beneficial uses; therefore, undesignated waters, which are not man-made or private, are protected for these uses (IDAPA 58.01.02.101.01.a). 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).

According to DEQ's 2012 Integrated Report, Soldier Creek is not fully supporting one or more of its assessed uses. -The aquatic life use is not fully supported. Causes of impairment include: sedimentation/siltation, water temperature and other flow regime alterations. The contact recreation beneficial use is fully supported based on E. coli data collected by DEQ on Soldier Creek for the Camas Creek TMDL (2005 EPA approved). As such, DEQ will provide Soldier Creek Tier 1 protection (IDAPA 58.01.02.051.01) for the aquatic life use and Tier 2 protection (IDAPA 58.01.02.051.02) in addition to Tier 1 for the contact recreation use (IDAPA 58.01.02.052.05.c).

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

Fairfield WWTP 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.

Prior to the development of the TMDL, the WQS require the application of the antidegradation policy and implementation provisions to maintain and protect uses (IDAPA 58.01.02.055.04).

The EPA-approved *Camas Creek TMDL (2005)* establishes wasteload allocations for TSS and bedload sediments and temperature. Wasteload allocation for the City of Fairfield for sediment and temperature are provided in the TMDL. These wasteload allocations are designed to ensure Soldier 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 Fairfield WWTP permit are set at levels that are consistent with these wasteload allocations.

In sum, the effluent limitations and associated requirements contained in the Fairfield WWTP permit are set at levels that ensure compliance with the narrative and numeric criteria in the WQS and the wasteload allocations established in the *Camas Creek TMDL*. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in the unnamed drainage ditch, which then discharges to Soldier Creek in compliance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

High-Quality Waters (Tier 2 Protection)

Soldier Creek is considered high quality for contact recreation. As a result, DEQ has conducted a tier 2 analysis with respect to the City's discharge.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for each pollutant that is relevant to contact recreation uses of Soldier Creek (IDAPA 58.01.02.052.05). These include the following: E. coli. Effluent limits are set in the proposed and existing permit for E. coli.

For a reissued permit or license, the effect on water quality is determined by looking at the difference in water quality that would result from the activity or discharge as authorized in the current permit and the water quality that would result from the activity or discharge as proposed in the reissued permit or license (IDAPA 58.01.02.052.06.a). For a new permit or license, the effect on water quality is determined by reviewing the difference between the existing receiving water quality and the water quality that would result from the activity or discharge as proposed in the new permit or license (IDAPA 58.01.02.052.06.a).

Pollutants with Limits in the Current and Proposed Permit

For pollutants that are currently limited and will have limits under the reissued permit, the current discharge quality is based on the limits in the current permit or license (IDAPA

58.01.02.052.06.a.i), and the future discharge quality is based on the proposed permit limits (IDAPA 58.01.02.052.06.a.ii). For the Fairfield WWTP permit, this means determining the permit's effect on water quality based upon the limits for *E. coli* in the current and proposed permits because *E. coli* is the only pollutant of concern for recreational uses. Table 1 provides a summary of the current permit limits and the proposed or reissued permit limits.

Table 1. Comparison of current and proposed permit limits for pollutants of concern relevant to uses receiving Tier 2 protection.

Pollutant	Units	Current Permit: 2003-2008			Proposed Permit			Change ^a
		Average Monthly Limit	Average Weekly Limit	Single Sample Limit	Average Monthly Limit	Average Weekly Limit	Single Sample Limit	
Pollutants with limits in both the current and proposed permit								
Five-Day BOD	mg/L	30	45	—	30	45	—	NC
	lb/day	41	62	—	41	62	—	
	% removal	85%	—	—	85%	—	—	
TSS	mg/L	30	45	—	30	45	—	NC
	lb/day	41	62	—	41	62	—	
	% removal	85%	—	—	85%	—	—	
pH	standard units	6.5–9.0 all times			6.5–9.0 all times			NC
<i>E. coli</i>	no./100 mL	126		406	126		406	NC
Pollutants with no limits in both the current and proposed permit								
Total Ammonia	mg/L	—	—	Report	—	—	Report	NC

^a NC = no change.

The proposed permit limits for pollutants of concern in Table 1, *E. coli*, are the same as, or more stringent than, those in the current permit (“NC” in change column). In addition, the proposed permit limits for other pollutants not relevant to recreational uses are also the same as or more stringent than current limits. Therefore, no adverse change in water quality and no degradation will result from the discharge of these pollutants.

New Permit Limits for Pollutants Currently Discharged

When new limits are proposed in a reissued permit for pollutants in the existing discharge, the effect on water quality is based upon the current discharge quality and the proposed discharge quality resulting from the new limits. Current discharge quality for pollutants that are not currently limited is based upon available discharge quality data (IDAPA 58.01.02.052.06.a.i). Future discharge quality is based upon proposed permit limits (IDAPA 58.01.02.052.06.a.ii).

The proposed permit for Fairfield WWTP does not include new limits for other pollutants (ref., Table 1).

Pollutants with No Limits

There are no pollutants of concern without effluent limits related to contact recreation.

In sum, DEQ concludes that this discharge permit complies with the Tier 2 provisions of Idaho's WQS (IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06).

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

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 Balthasar Buhidar, Twin Falls Regional Office, (208) 736-2190, and

balthasar.buhidar@deq.idaho.gov.



David Anderson
Regional Administrator
Twin Falls Regional Office