



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

April 12, 2012

NPDES Permit Number: **ID-0020303** City of Hailey Wastewater Treatment Plant

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 Pollution 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 comply 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, including 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.

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

Instream Water Quality Monitoring

In order to ensure compliance with Water Quality Standards, the permittee must conduct surface water monitoring starting at 180 days after the effective date of the permit and continue for four (4) years at one (1) Big Wood River site (approved by DEQ) above the influence of the facility's discharge for: hardness (quarterly), pH (quarterly), temperature (hourly from April through October), total ammonia as nitrogen (quarterly), dissolved copper (quarterly), mercury (quarterly), and dissolved zinc (quarterly). In addition, the permittee must conduct hourly temperature monitoring (from April through October) at a location (approved by DEQ) downstream of the facility's discharge. The permittee must follow the conditions for surface water monitoring as defined in the NPDES permit (Part I.D).

Compliance Schedule for Total Phosphorus

IDAPA 58.01.02.400.03 provides that compliance schedules may be allowed for water quality-based effluent limitations when new limitations are in the permit for the first time. The current

wastewater treatment facility for the City of Hailey cannot immediately achieve compliance with the final total phosphorus (TP) effluent limit as proposed in this permit. DEQ has met with City of Hailey staff on several occasions and has also conducted an assessment of the TP wasteload allocation issue. On May 26, 2009 DEQ formally wrote to the City of Hailey and denied the City's request to revise the Big Wood River TMDL and allow the 15 lbs/day TP limit to continue. Therefore, DEQ is authorizing the following compliance schedule:

1. The permittee must comply with all effluent limitations, with the exception of the final TP effluent limitation, and monitoring requirements in Part I.B of the NPDES permit beginning on the effective date of the permit.
2. Interim Limits. The permittee is authorized to discharge 15 lbs/day TP average monthly limit and 23 lbs/day TP average weekly limits as *interim* limits.
3. Final Limits. The permittee shall discharge 5.2 lbs/day TP average monthly limit and 7.8 lbs/day TP average weekly limit as *final* limits no later than four years and eleven months after the effective date of the permit.
4. The permittee must submit a progress report annually as summarized in Part II.C. of the NPDES permit.

The goal of this compliance schedule is to give the City of Hailey a reasonable amount of time to achieve the final effluent limits specified in Table 1 of the NPDES permit but also to accomplish compliance as soon as possible.

Mixing Zones

Pursuant to IDAPA 58.01.02.060, the DEQ authorizes a mixing zone that utilizes 10% of the critical low flow volumes (7Q10 flow) of the Big Wood River for total ammonia and mercury. Furthermore, DEQ authorizes a mixing zone that utilizes 20% of the critical low flow volumes of the Big Wood River for copper.

Antidegradation

Idaho's antidegradation policy (IDAPA 58.01.02.051.01) requires that existing uses of all waters in the state be maintained and protected (Tier 1 protection). In addition, where water quality exceeds levels necessary to support uses, then DEQ must assure that no degradation will occur unless, after allowing an opportunity for public comment and intergovernmental coordination, degradation is deemed to be necessary to accommodate important economic or social development (Tier 2 protection) (IDAPA 58.01.02.051.02).

The effluent limitations in the permit for the City of Hailey Wastewater Treatment Plant are set at levels which ensure the State's numeric and narrative criteria and other WQS provisions will be met and that comply with the *Big Wood River TMDL* (DEQ, 2006). The numeric and narrative criteria and TMDL wasteload allocations are set at levels which protect and maintain designated and existing beneficial uses. Therefore, in accordance with IDAPA 58.01.02.051.01, the limits

in the permit protect and maintain designated and existing uses in the Big Wood River.

See the attached Antidegradation Review for a more detailed discussion of the antidegradation analysis.

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 total maximum daily loads (TMDLs), wasteload allocations, site-specific criteria, variances, or other new information, shall first be provided to DEQ for review to determine compliance with state Water Quality Standards and to provide additional certification pursuant to Section 401. DEQ authorizes pollutant trading set out in the permit pursuant to IDAPA §58.01.02.054.06.

Questions regarding the actions taken in this certification should be directed to Dave Anderson or Balthasar Buhidar, DEQ (Twin Falls Regional Office) at (208) 736-2190.

A handwritten signature in black ink, appearing to read "Bill Allred", written over a horizontal line.

Bill Allred
Regional Administrator
Twin Falls Office

ANTIDegradation REVIEW
NPDES Permit # ID-0020303
City of Hailey Wastewater Treatment Facility

Idaho Department of Environmental Quality
April 12, 2012

Antidegradation Overview

In March 2011, Idaho incorporated new provisions addressing antidegradation implementation in the Idaho Code. The new antidegradation provisions are in Idaho Code § 39-3603. At the same time, Idaho adopted antidegradation implementation procedures in the Idaho water quality standards (WQS). The Idaho Department of Environmental Quality (DEQ) submitted the antidegradation implementation procedures to the US Environmental Protection Agency (EPA) for approval on April 15, 2011. On August 18, 2011, EPA approved the implementation procedures.

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051). 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 the existing uses will be maintained and protected (Tier 1 protection) (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 58.01.02.052.05). 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 (Tier 2 protection) (IDAPA 58.01.02.051.02; 58.01.02.052.06). The third level of protection applies to water bodies that have been designated outstanding resource waters and requires activities to not cause a lowering of water quality (Tier 3 protection) (IDAPA 58.01.02.051.03; 58.01.02.052.07).

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 (Idaho Code § 39-3603(2)(b)(i)). 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 (Idaho Code § 39-3603(2)(b)(iii)). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (Idaho Code § 39-3603(2)(b)).

Pollutants of Concern

The City of Hailey Wastewater Treatment Facility (Hailey) discharges the following pollutants of concern: biological oxygen demand (BOD), total suspended solids (TSS), *E. coli*, pH, ammonia, phosphorus, nitrogen, copper, mercury, zinc, and temperature. Effluent limitations have been developed for BOD, TSS, *E. coli*, pH, total ammonia, total phosphorus, and total Kjeldahl nitrogen. Effluent limitations have not been developed for copper, mercury, zinc, or temperature; however, additional monitoring is necessary for these parameters to assess whether water quality based effluent limits will be needed in future permits.

Receiving Water Body Level of Protection

Hailey discharges to the Big Wood River assessment unit (AU) ID17040219SK004_05. This AU has been designated for the following beneficial uses: cold water aquatic life; salmonid spawning; primary contact recreation; domestic, industrial, and agricultural water supply; wildlife habitats; and aesthetics.

The cold water aquatic life and salmonid spawning beneficial uses in this AU are impaired due to excess sediment/siltation (TSS) and total phosphorus (TP) (DEQ, 2010 Integrated Report). While recreational uses of this AU have not been assessed, *E. coli* data have been collected. The data show that the Big Wood River has elevated levels of *E. coli*. Therefore, DEQ will provide Tier 1 protection for all designated and existing beneficial uses of the Big Wood River (Idaho Code §39-3603(2)(b)(i)).

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 CWA, and requires a showing 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 the Idaho WQS, which contain narrative and numeric criteria as well as other provisions of the WQS such as Section 055, which addresses water quality limited waters.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a watershed management plan, also known as a total maximum daily load (TMDL), must be prepared for any water quality limited water body. 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 comply with the approved TMDL.

The EPA-approved *Big Wood River Watershed Management Plan* (DEQ, 2002) addresses both phosphorus and sediment for the Big Wood River. In addition, the Big Wood TMDL contains bacteria WLA for Hailey. The effluent limitations and associated conditions contained in the Hailey permit and certification are set at levels that ensure compliance with the narrative and numeric criteria as well as the *Big Wood River TMDL* (DEQ, 2006). The proposed permit for Hailey contains effluent limits for total phosphorus, total suspended solids, and *E. coli* that are consistent with the TMDL. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in the Big Wood River.