



FACT SHEET

Public Comment Period Start Date: March 1, 2011

Public Comment Expiration Date: March 31, 2011

**The United States Environmental Protection Agency (EPA)
Plans to Modify a National Pollutant Discharge Elimination System (NPDES) Permit**

**CITY OF TWIN FALLS
Wastewater Treatment Plant
Canyon Springs Road
Twin Falls, Idaho**

Technical Contact:

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Permit No. ID-002127-0

EPA Proposes To Modify NPDES Permit

EPA is seeking public comment on modifying the NPDES permit issued to the facility referenced above. The draft modification is a proposal to increase the final mass-based monthly effluent limitation for total suspended solids (TSS) from 980 pounds per day (lbs/day) to 2,142 lbs/day. The draft modification also proposes to increase the final mass-based average weekly effluent limitation for TSS from 1,390 lbs/day to 3,213 lbs/day. In addition, EPA is proposing to eliminate the compliance schedule for TSS.

The City of Twin Falls (City) challenged the final mass-based TSS effluent limits in a petition for review filed with EPA's Environmental Appeals Board on October 21, 2009. Based on this petition the final average monthly effluent limitation of 980 lbs/day and final average weekly effluent limitation of 1,390 lbs/day were stayed pursuant to 40 CFR 124.16(a)(1) and are not in effect.

EPA is accepting comments only on the modified TSS limits and elimination of the compliance schedule. Subsequent discussions in the fact sheet pertain only to the changes set forth above.

State Certification

EPA will request that the Idaho Department of Environmental Quality (IDEQ) certify the NPDES permit modification for this facility, under Section 401 of the Clean Water Act (CWA). The draft Certification is included in the permit as Appendix A pursuant to Section 401(d). Comments regarding the certification should be directed to:

Mr. Balthasar B. Buhidar
Idaho Department of Environmental Quality
Twin Falls Regional Office
1363 Fillmore Street
Twin Falls, ID 83301
(208) 736-2190

Description of the Facility

The City of Twin Falls owns and operates a facility that treats wastewater from domestic, industrial, and commercial sources. The facility discharges secondarily treated wastewater throughout the year to the Snake River at approximately river mile 608.5. The discharge is approximately 10 feet from shore and two feet below the surface of the River.

The sewer system consists of separate, municipally-owned sewers that collect sewage from both the City of Twin Falls (population 35,633 (from permit application received in June 2006)) and the City of Kimberly (population 2,672) and treats the collected wastewater at the Twin Falls wastewater treatment plant (WWTP). The WWTP has a design flow rate of 8.56 million gallons per day (mgd).

Basis of Modification

A water quality limited segment (WQLS) is any waterbody where it is known that water quality does not meet applicable water quality standards. In accordance with section 303(d) of the Clean Water Act, States must identify waters not achieving water quality standards in spite of application of technology-based controls in National Pollutant Discharge Elimination System (NPDES) permits for point sources. Such waterbodies are known as water quality limited segments (WQLSs), and the list of such waterbodies is called the "303(d) list." Once a water body is identified as a WQLS, the States are required under the Clean Water Act to develop a total maximum daily load (TMDL).

This modification ensures that the TSS limits are consistent with the TMDL pursuant to 40 CFR 122. The segment of the Snake River into which the City of Twin Falls discharges was identified on the State of Idaho 303(d) list because it did not attain the state water quality standards for sediment. *The Upper Snake Rock Subbasin TMDL (2000 & 2005) City of Twin Falls TSS Revision (DEQ)* (Revised TMDL) January, 2011 established revised allocations of TSS to the City of Twin Falls. The revised wasteload allocation for the City is 2,142 lbs/day. Approval of the TMDL by EPA is anticipated by March 30, 2011. The draft modification will not become final until after EPA's approval of the Revised TMDL.

The proposed modification establishes the final effluent limitation at 2,142 lbs/day consistent with the allocation pursuant to 40 CFR 122.44(d). The allocation is equal to the interim mass-based effluent limitation in the existing permit.

Weekly limits are required for sewage treatment plants pursuant to 40 CFR 122.45(d)(2). Using procedures in EPA's Technical Support Document (EPA. 1991. Technical Support Document for Water Quality-based Toxics Control US Environmental Protection Agency, Office of Water, EPA/505/2-90-001) the weekly limit is 3,213 lbs/day.

$$2,142 \text{ lb/day TSS} \times 1.5 = 3,213 \text{ lbs/day}$$

Pursuant to Section 402(o)(1) of the Clean Water Act and codified in the NPDES regulations at 40 CFR 122.44(l)(1) EPA may not modify a permit in a way that results in effluent limitations less stringent than the final limitations of the previous permit except in limited circumstances. The restrictions on backsliding do not apply when, as here, challenged permit limits have been stayed pending final agency action. The final effluent limitations for the City of Twin Falls permit are contested conditions that have been stayed pending final agency action pursuant to 40 CFR 124.16(a)(1). Because a final agency action has not yet been made with respect to the final mass-based effluent limitations, they are not in effect. The effective TSS effluent limits for the City of Twin Falls are those labeled the interim TSS effluent limitations in the 2009 permit. The interim limits are not stayed. The proposed TSS effluent limitations are identical to, and not less stringent than, the effective limitations and thereby do not violate the anti-backsliding requirements of CWA Section 402(o)(2). *See also* 40 CFR 122.44(l)(1).

Furthermore, EPA is also eliminating the compliance schedule for TSS that was in the permit. Since the final TSS effluent limits are the same as the interim effluent limits that were in the previous permit, a compliance schedule is no longer required. As such, the compliance schedule has been taken out of the permit.

Antidegradation

EPA is required under Section 301(b)(1)(C) of the CWA and its implementing regulations (40 CFR 122.4(d) and 122.44(d)) to establish conditions in NPDES permits that ensure compliance with State water quality standards, including antidegradation requirements. The fact that the State of Idaho has not identified methods for implementing its antidegradation policy does not prevent EPA from establishing such conditions.

As explained below, the City of Twin Falls proposed permit modification contains a TSS limit as stringent as necessary to ensure compliance with applicable water quality standards, including Idaho's antidegradation policy (IDAPA 58.01.02.051). As explained in detail below, the proposed permit modification ensures that "the existing in stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected" consistent with the requirements of 40 CFR 131.12(a)(1) and IDAPA 58.01.02.051.01.

The proposed modified permit complies with the State of Idaho's antidegradation policy and CWA regulations because the proposed modification ensures protection of existing uses and does not allow lower water quality relative to the prior permit. Under the circumstances of the proposed modified permit, EPA may issue an NPDES permit even though the State has not yet identified methods for implementing its antidegradation policy.

EPA Antidegradation Analysis

Protection of Existing Uses (IDAPA 58.01.02.051.01 and 40 CFR 131.12(a)(1))

Idaho Water Quality Standards (WQS) summarize the surface water use designations for the State of Idaho: that all waters of the State of Idaho are protected for the uses of industrial and agricultural water supply (IDAPA 58.01.02.100.03.b and c), wildlife habitats (IDAPA 58.01.02.100.04) and aesthetics (IDAPA 58.01.02.100.05). The State of Idaho Water Quality Standards and Wastewater Treatment Requirements (16 IDAPA § 58.01.02) protect the segment of the Snake River to which Twin Falls discharges (HUC 17040212, Upper Snake-Rock Subbasin, water body unit US-19, Twin Falls to Rock Creek) for the following uses: cold water biota, salmonid spawning, primary contact recreation, agricultural and industrial water supply, wildlife habitat, and aesthetics. Cold water is water quality appropriate for the protection and maintenance of a viable aquatic life community for cold water species. This segment of the Snake River is also designated for primary contact recreation for water quality appropriate for

prolonged and intimate contact by humans or for recreational activities when the ingestion of small quantities of water is likely to occur. Such activities include, but are not restricted to, those used for swimming, water skiing, or skin diving. EPA does not believe there are any existing uses beyond those identified as a designated use. As discussed below, EPA believes the permit modification ensures that the level of water quality necessary to protect the existing uses is maintained and protected in compliance with IDAPA 58.01.02.051.01 and 40CFR 131.12(a)(1)).

Specifically, the Snake River is listed for sediment under CWA section 303(d). In January 2011, the State of Idaho developed *The Upper Snake Rock Subbasin TMDL (2000 & 2005) City of Twin Falls TSS Revision (DEQ)*. The TMDL revision revised the allocation of TSS for the City of Twin Falls. The final TSS mass-based effluent limits in the proposed permit modification are consistent with the approved wasteload allocations (WLAs) in the TMDL and ensure compliance with the Idaho water quality standards. The final TSS mass-based effluent limits in the proposed permit modification are an average monthly limit of 2,142 lbs/day and an average weekly limit of 3,213 lbs/day. These mass-based effluent limits are identical to the effective mass-based limits in the existing permit. The TSS final mass-based monthly limit of 980 lbs/day and the mass-based weekly limit of 1,390 lbs/day were appealed by the City of Twin Falls, and are stayed and not in effect. The interim limitations were not stayed and are in effect.

Summary

In summary, the effluent limits for TSS are as stringent as the limits that are currently in effect. These effluent limits were established to ensure compliance with the existing water quality standards. Moreover, since the effluent limits remain the same, EPA believes that the existing uses of the waterbody are being maintained and protected. This is not a Tier II waterbody; therefore, EPA is not required to conduct a Tier II analysis.

Public Comment

Persons wishing to comment or request a public hearing on the proposed modification to increase the TSS effluent limitations and to eliminate the interim limits and requirements in the permit for this facility may do so in writing by the expiration date of the public comment period. A request for a public hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for public hearings must be in writing and should be submitted to EPA as described in the public comments section of the attached Public Notice. Pursuant to 40 CFR 122.62, only the conditions subject to modification are reopened for public comment.

After the public notice period expires, and all comments have been considered, EPA's Regional Director for the Office of Water and Watersheds will make a final decision regarding proposed permit modification. The modification will become effective 30 days after the date of the Regional Director's decision, unless an appeal is submitted to the Environmental Appeals Board within 30 days.

Documents are Available for Review.

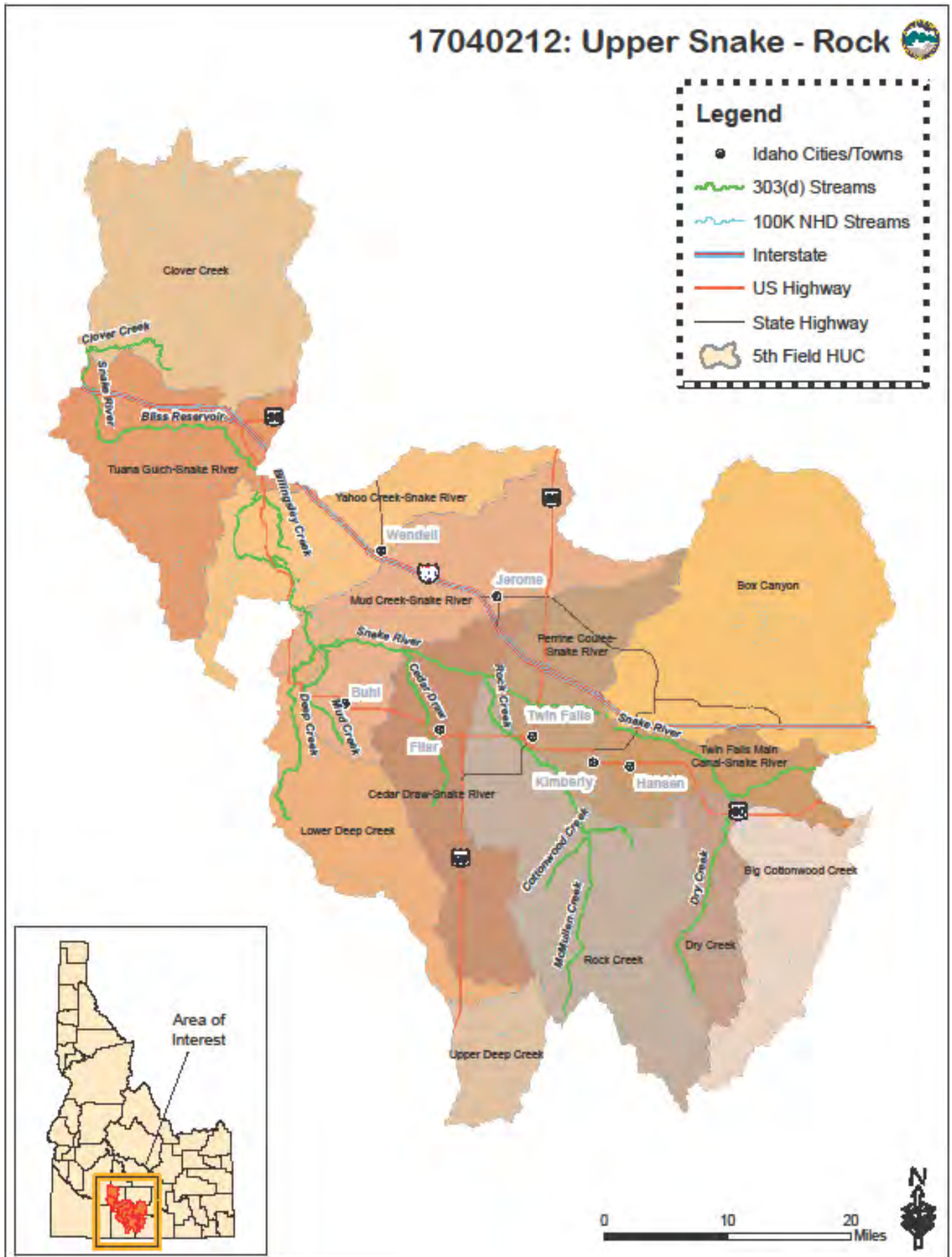
The draft permit and fact sheet are posted on the Region 10 website at <http://yosemite.epa.gov/r10/WATER.NSF/NPDES+Permits/DraftPermitsID>. Copies may also be requested by writing to EPA at the Seattle address below, by e-mailing washington.audrey@epa.gov, or by calling Audrey Washington at 206-553-0523 or (800) 424-4372 ext 0523 (within Alaska, Idaho, Oregon, & Washington). Copies may also be inspected and copied at the offices below between 8:30 a.m. and 4:00 p.m., Monday through Friday, except federal holidays. In Seattle, visitors report to the 12th floor Public Information Center.

EPA Region 10 (206) 553-0523
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101-3140

EPA Idaho Operations Office (208) 378-5746
1435 North Orchard Street
Boise, Idaho 83706

Idaho Department of Environmental Quality (208) 736-2190
Twin Falls Regional Office
1363 Fillmore Street
Twin Falls, ID 83301

Location Map



Outfall Discharge Location

