Idaho Department of Environmental Quality

Final §401 Water Quality Certification

July 28, 2016

NPDES Permit Number(s): Drinking Water Treatment Facilities General Permit (DWGP) IDG380000

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

Drinking Water Treatment Facilities (DWTFs) discharge the following pollutants of concern: total suspended solids (TSS), total residual chlorine (TRC), aluminum, metals (antimony, beryllium, cadmium, total chromium, copper, lead, nickel, selenium, silver, thallium, and zinc), temperature, total trihalomethanes (TTHMs), and turbidity. Effluent limits have been developed for TSS, TRC, and pH. In addition, if a TMDL has determined a Waste Load Allocation (WLA) for the DWTF, then TP as well. No effluent limits are proposed for aluminum, metals, temperature, total TTHMs, and turbidity. Existing activities that propose no expansion or existing discharges that propose no change in their discharge upon permit renewal will not cause degradation of water quality.

Receiving Water Body Level of Protection

The Drinking Water Treatment Facilities General Permit (DWGP) provides coverage to facilities throughout the entire state of Idaho including seven previously permitted facilities. The seven (7) facilities are:

1) **City of Sandpoint, Sand Creek Water Treatment Plant** (WTP) discharges to Little Sand Creek within the Pend Oreille Lake Subbasin assessment unit (AU) ID17010214PN053_02 (Little Sand Creek – Headwaters to Sand Creek). Little Sand Creek is undesignated. DEQ presumes undesignated waters in the state, that are not man-made waters, will support cold water aquatic life and primary or secondary contact recreation beneficial uses; therefore, undesignated waters 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, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. The cause of impairment is sediment. The contact recreation beneficial use is fully supported. As such, DEQ will provide 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).

2) **City of Bonners Ferry WTP** discharges to the Kootenai River within the Lower Kootenai Subbasin assessment unit (AU) ID17010104PN029_08 (Kootenai River - Moyie River to Deep Creek). This AU has the following designated beneficial uses: cold water aquatic life, salmonid spawning, primary contact recreation, and domestic water supply. 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, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. The cause of impairment is temperature. As such, DEQ will provide Tier 1 protection (IDAPA 58.01.02.051.01) for the aquatic life use. The contact recreation beneficial use is unassessed. DEQ must provide an appropriate level of protection for the contact recreation use using information available at this time (IDAPA 58.01.02.052.05.c).

3) **Laclede Water District WTP** discharges to the Pend Oreille River within the Pend Oreille Lake Subbasin assessment unit (AU) ID17010214PN002_08 (Pend Oreille River - Pend Oreille Lake to Priest River). This AU has the following designated beneficial uses: cold water aquatic life, primary contact recreation, and domestic water supply. 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, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. Causes of impairment include dissolved gas supersaturation and temperature. As such, DEQ will provide Tier 1 protection (IDAPA 58.01.02.051.01) for the aquatic life use. The contact recreation beneficial use is unassessed. DEQ must provide an appropriate level of protection for the contact recreation use using information available at this time (IDAPA 58.01.02.052.05.c).

4) **City of Lewiston WTP** discharges to the Clearwater River within the Clearwater Subbasin assessment unit (AU) ID17060306CL001_07 (Lower Granite Dam pool). This AU has the following designated beneficial uses: cold water aquatic life, primary contact recreation, and domestic water supply. 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, this AU is fully supporting its assessed uses (IDAPA 58.01.02.052.05.a). As such, DEQ will provide Tier 2 protection in addition to Tier 1 for this water body (IDAPA 58.01.02.051.02; 58.01.02.051.01).

5) **City of Pierce WTP** discharges to Canal Gulch Creek within the Clearwater Subbasin assessment unit (AU) ID17060306CL039_02 (Shanghai Creek and tributaries). This AU has the following designated beneficial uses: cold water aquatic life, salmonid spawning, 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).

   According to DEQ's 2012 Integrated Report, this AU is fully supporting its assessed uses (IDAPA 58.01.02.052.05.a). As such, DEQ will provide Tier 2 protection in addition to Tier 1 for this water body (IDAPA 58.01.02.051.02; 58.01.02.051.01).

6) **City of Weiser WTP** discharges to the Upper Brownlee Reservoir within the Brownlee Reservoir Subbasin assessment unit (AU) ID17050201SW004_08 (Upper Brownlee Reservoir -Weiser to Porters Flat). This AU has the following designated beneficial uses: cold water aquatic life, primary contact recreation, and domestic water supply. 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, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. Causes of impairment include dissolved oxygen, TP, sedimentation/siltation, pesticides (DDD, DDE, DDT, and Dieldrin) and temperature. As such, DEQ will provide Tier 1 protection (IDAPA 58.01.02.051.01) for the aquatic life use. The contact recreation beneficial use is unassessed. DEQ must provide an appropriate level of protection for the contact recreation use using information available at this time (IDAPA 58.01.02.052.05.c).

7) **Wilderness Ranch WTP** discharges to Mores Creek within the Boise - Mores Subbasin assessment unit (AU) ID17050112SW009_06 (Mores Creek - 6th order - Grimes Creek to mouth). This AU has the following designated beneficial uses: cold water aquatic life, salmonid spawning, primary contact recreation, and domestic water supply. 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, this AU 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 and temperature. The contact recreation beneficial use is fully supported. As such, DEQ will provide 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, including best professional judgment, technology-based effluent limits, and monitoring requirements contained in the DWGP, coupled with the requirements of this certification, will ensure compliance with the narrative and numeric criteria in the Idaho WQS. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in accordance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

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).

New dischargers to impaired waters are not eligible for coverage under the DWGP unless the permit applicant provides data sufficient to demonstrate that the discharge of the pollutant for which the water body is impaired will meet in-stream water quality criteria for the pollutant at the point of discharge to the water body. In this instance, the applicant must receive written confirmation from the EPA that the discharge will not contribute to the existing impairment.

New facilities may be included in Appendix C of the General Permit after EPA and DEQ determine the appropriateness and after successful public participation. New facilities identified in Appendix C of the General Permit may be subject to additional conditions and/or limitations due to TMDLs in receiving waters.

The DWGP requires that existing dischargers to impaired waters also comply with WQS and applicable TMDLs. If existing dischargers to impaired waters plan to expand their operation, or increase their discharge, they must demonstrate that the discharge will still comply with water quality criteria.

Discharges to waters with an approved TMDL

Three facilities' receiving water bodies currently have an EPA approved TMDL.

City of Sandpoint, Little Sand Creek WTP: The EPA-approved *Pend Oreille Tributaries Sediment TMDL* (EPA Approved, January 2008) establishes wasteload allocations for sediment. These wasteload allocations are designed to ensure the Pend Oreille River Subbasin 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. However, the pollutant source inventory did not identify any point sources of sediment within the watersheds of concern (TMDL, page 6 of Executive Summary); Little Sand Creek was not listed as impaired by sediment (TMDL, page 8, Table 1-1); and, permitted point sources were not considered sources of sediment loading in the Pend Oreille River Subbasin (TMDL, page 57).

Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in the Pend Oreille River Subbasin in compliance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

City of Weiser WTP: The EPA-approved *Snake River - Hells Canyon TMDL* (EPA Approved, January 2007) establishes wasteload allocations for sediment, temperature, and phosphorous (i.e., relevant pollutants of concern). These wasteload allocations are designed to ensure the Upper Brownlee Reservoir will achieve the water quality necessary to support the existing and designated aquatic life beneficial use and comply with the applicable numeric and narrative criteria. The WTP was identified as contributing a negligible amount of sediment (TSS)(TMDL, page 342, Table 3.5.3 a.); was not identified as a contributor of heat load; and, a total

phosphorous wasteload allocation was established at a concentration of 3.5 mg/L and 5.5 kg/day (TMDL, page 446, Table 4.0.8.). The permit limits are consistent with this wasteload allocation.

In sum, the effluent limitations and associated requirements contained in the DWGP are set at levels that ensure compliance with the narrative and numeric criteria in the WQS and the wasteload allocations established in the *Snake River - Hells Canyon TMDL*. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in the Upper Brownlee Reservoir in compliance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

Wilderness Ranch WTP: The EPA-approved *Boise-Mores Creek Watershed Subbasin Assessment and Total Maximum Daily Loads (*EPA Approved, February 2010) establishes wasteload allocations for sediment and temperature. These wasteload allocations are designed to ensure Mores 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 sediment load in Mores Creek is from mass wasting of hydraulically mined areas and stream bank erosion. The temperature load results from solar radiation and the TMDL sets a target of potential natural vegetation to reduce temperature loads. No NPDES facilities were identified as having a discharge of either sediment or temperature. A reserve for growth exists for sediment (TSS) and temperature from Wastewater Treatment Facilities. However, given the volume of effluent discharged and the size of the receiving water body, Wilderness Ranch WTP is an insignificant contributor of sediment and heat loading and therefore, there is no need to allocate a portion of the reserve for growth to this facility.

In sum, the effluent limitations and associated requirements contained in the DWGP are set at levels that ensure compliance with the narrative and numeric criteria in the WQS and the wasteload allocations established in the *Boise-Mores Creek Watershed Subbasin TMDL*. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in the Boise-Mores Subbasin in compliance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

Discharges to waters without an approved TMDL

Two (2) facilities discharge to receiving water bodies in need of a TMDL for temperature, a relevant pollutant of concern: Bonners Ferry WTP and Laclede Water District WTP. Weekly temperature monitoring of the effluent is required of all facilities covered under the DWGP. This temperature data will be used to assess whether a discharge from WTPs contribute to the heat loading of a receiving water body and whether the subsequent permit establishes an effluent limit for temperature.

High-Quality Waters (Tier 2 Protection)

As indicated previously, water bodies that fully support their beneficial uses will be provided Tier 2 protection, in addition to Tier 1 protection. In such waters, water quality for parameters relevant to applicable beneficial uses must be maintained and protected under Tier 2, unless a lowering of water quality is deemed necessary to accommodate important economic or social development. Water bodies identified in the Integrated Report as not assessed will be provided

an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license (IDAPA 58.01.02.052.05.b).

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. 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).

New Discharges to High-Quality Waters

A new discharge to a high-quality water body is only eligible for coverage under this general permit if the permit applicant establishes in the Notice of Intent (NOI) that the discharge is considered insignificant degradation per IDAPA 58.01.02.052.08.a. As stated in the DWGP, EPA believes that the permit requirements and conditions will generally be sufficient enough to provide Tier 2 protections. DEQ has included, as a condition of the certification, an explanation for how to establish that the discharge will not result in significant degradation. If a new discharge to a high-quality water will result in significant degradation, the discharger must provide an explanation acceptable to DEQ that the degradation is necessary to accommodate important economic or social development.

Expanding an Existing Discharges to High-Quality Waters

Existing dischargers who are expanding their operations and/or increasing their discharge must submit a "Planned Changes Report" to EPA. Similar to a new discharge, an increase in a discharge may result in degradation, if it contains pollutants relevant to the use(s) for which the water is considered high quality. Therefore, DEQ is requiring as a condition of the certification that an increase in an existing discharge to a high-quality water body only be allowed under the DWGP if the discharger can establish that the increase is determined to cause insignificant degradation per IDAPA 58.01.02.052.08.a.

In order to ensure that degradation will not occur, EPA shall work cooperatively with DEQ in reviewing "Planned Changes Reports". If DEQ determines the planned changes will result in significant degradation, the permittee will need to provide an explanation acceptable to DEQ that the degradation is necessary to accommodate important economic or social development.

Existing Dischargers to High-Quality Waters

The DWGP is as stringent as the existing individual permits for drinking water facilities discharging to high-quality waters. Therefore, existing activities or discharges currently covered by the existing individual permit should not cause degradation, as long as the activity or discharge is not expanding. As noted above, for a reissued permit, 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. DEQ's comparison of permit limits must take into account limits for all those pollutants relevant to the use for which the water is deemed to be high quality.

There are seven (7) WTPs that are currently operating under an administrative extension of their individual permits. To determine whether degradation will occur for these existing dischargers, the limits for those pollutants relevant to the use for which the water is high quality in the existing individual permits must be compared to the limits for the same pollutants in the new general permit. Five of the seven WTPs discharge to waters that are high quality waters only for recreational uses. Of the pollutants of concern, only E. *coli* and TP are relevant to recreational uses. (The general permit requires monitoring for metals, some of which may have human health criteria applicable to recreational uses. But, at this time, there is insufficient information to determine whether metals relevant to recreational uses are discharged at a particular facility.) None of the WTPs discharge E. *coli*, and only one, City of Weiser, discharges TP.

The other two (2) WTPs discharge to waters that are high quality for both recreational uses and aquatic life uses. Pollutants relevant to aquatic life uses include TSS, TRC, aluminum, metals, temperature, pH and turbidity, which are discharged by the two WTPs that discharge to waters that are high quality for aquatic life uses. What this means is that a Tier 2 analysis need only be done for the City of Weiser for TP to determine whether water quality relevant to the recreational use is degraded, and for the City of Lewiston and the City of Pierce for TSS, TRC, aluminum, metals, temperature, pH and turbidity, to determine whether water quality relevant to the aquatic life use is degraded. The information regarding each WTP is set out below.

City of Sandpoint, Sand Creek WTP: Little Sand Creek is considered high quality for contact recreation. As such, the water quality relevant to uses of Little Sand Creek must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

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 Little Sand Creek (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

City of Bonners Ferry WTP: The Kootenai River is presumed high quality for primary contact recreation. The water quality relevant to contact recreation uses of the Kootenai River must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

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 the Kootenai River (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

Laclede Water District WTP: The Pend Oreille River is presumed high quality for primary contact recreation. As such, the water quality relevant to contact recreation uses of the Pend Oreille River must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

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 the Pend Oreille River (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

City of Lewiston WTP: Lower Granite Dam pool is considered high quality for cold water aquatic life and primary contact recreation. As such, the water quality relevant to cold water aquatic life and contact recreation uses of the Lower Granite Dam pool must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for each pollutant that is relevant to cold water aquatic life and contact recreation uses of the Lower Granite Dam pool (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU with respect to recreational uses because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

The pollutants relevant to cold water aquatic life include the following: TSS, TRC, aluminum, metals, temperature, and turbidity. Effluent limits are set in the proposed and existing permit for all these pollutants except aluminum, metals, temperature, and turbidity. The proposed permit limits for the pollutants of concern that have limits are the same as those in the current permit. Therefore, no adverse change in water quality and no degradation will result from the discharge of these pollutants.

City of Pierce WTP: Canal Gulch Creek is considered high quality for cold water aquatic life and primary contact recreation. As such, the water quality relevant to aquatic life uses and contact recreation use of Canal Gulch Creek must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for each pollutant that is relevant to aquatic life uses and contact recreation use of Canal Gulch Creek (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU with respect to recreational uses because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

The pollutants relevant to cold water aquatic life and salmonid spawning include the following: TSS, TRC, aluminum, metals, temperature, and turbidity. Effluent limits are set in the proposed

and existing permit for all these pollutants except aluminum, metals, temperature, and turbidity. The proposed permit limits for the pollutants of concern that have limits are the same as those in the current permit. Therefore, no adverse change in water quality and no degradation will result from the discharge of these pollutants.

City of Weiser WTP: The Upper Brownlee Reservoir is presumed high quality for primary contact recreation. As such, the water quality relevant to contact recreation uses of the Upper Brownlee Reservoir must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

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 the Upper Brownlee Reservoir (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

Wilderness Ranch WTP: Mores Creek is considered high quality for primary contact recreation. As such, the water quality relevant to contact recreation uses of Mores Creek must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

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 Mores Creek (IDAPA 58.01.02.052.05). The pollutant relevant to contact recreation is *E. coli* which is not a pollutant being discharged by the WTP. Therefore, it is unnecessary for DEQ to conduct a Tier 2 review for this AU because this permitted activity will not create a lowering of water quality that could affect the contact recreation use.

For a reissued permit, 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 DWGP, this means determining the permit's effect on water quality based upon the limits for TSS, TRC, pH and TP. A DWTF will have a TP limit where a TMDL has determined a waste load allocation (WLA) for the DWTF in the current and proposed permits. 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			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								
Total Suspended Solids	mg/L	30	45	—	30	45	—	NC
pH	standard units	6.5–9.0 all times			6.5–9.0 all times			NC
Total Residual Chlorine[b]	mg/L	0.3	0.5	—	0.3	0.5	—	NC
	mg/L	.01	.02	—	.01	.02	—	NC[c]
Total Phosphorus[d]	mg/L (lbs/day)	1.75 (6.1)	3.5 (12)	—	1.75 (6.1)	3.5 (12)	—	NC
Pollutants with no limits in both the current and proposed permit								
Flow	gallons/day	—	—	Report	—	—	Report	NC
Hardness[e]	mg/L as $CaCO_3$	—	—	Report	—	—	Report	NC
Aluminum	µg/L	—	—	Report	—	—	Report	NC
Metals	µg/L	—	—	Report	—	—	Report	NC
Temperature	℃	—	—	Report	—	—	Report	NC
Total Trihalomethanes	µg/L	—	—	Report	—	—	Report	NC
Turbidity	NTUs	—	—	Report	—	—	Report	NC

[a] NC = no change, I = increase, D = decrease.
[b] Total Residual Chlorine limits are based on whether a receiving water body has the capacity to assimilate the pollutant. Where no assimilative capacity exists, the more stringent water quality based effluent limit is required.
[c] Laclede Water District WTF's TRC limit is being modified to reflect the assimilative capacity of the Pend Oreille River.
[d] City of Weiser - Based on Idaho's TMDL for the Snake River – Hells Canyon watershed was approved by EPA in September, 2004.
[e] Hardness shall be sampled at the same time metals samples are collected.

As noted, there are only three (3) facilities that discharge pollutants relevant to the uses for which the waters are high quality: City of Weiser, City of Lewiston, and the City of Pierce. For these WTPs, the proposed permit limits for the pollutants of concern that have limits in Table 1 (TSS, TRC, pH and TP where a TMDL has determined a waste load allocation (WTA) for the DWTF) are the same as, or more stringent than, those in the current permit ("NC" in change column). Therefore, no adverse change in water quality and no degradation will result from the discharge of these pollutants.

Pollutants with No Limits

There are several pollutants of concern (i.e., turbidity, aluminum, metals and temperature) relevant to Tier 2 protection that currently are not limited and for which the proposed permit also contains no limit (Table 1). For such pollutants, a change in water quality is determined by reviewing whether changes in production, treatment, or operation that will increase the discharge of these pollutants are likely (IDAPA 58.01.02.052.06.a.ii).

The pollutants for which there are no limits are all pollutants relevant to aquatic life. The City of Lewiston and the City of Pierce WTPs discharge these pollutants to waters that are high quality for aquatic life. With respect to these pollutants, there is no reason to believe the pollutants will be discharged in quantities greater than those discharged under the current permit. This conclusion is based upon the fact that there have been no changes in the design flow, influent

quality, or treatment processes that would likely result in an increased discharge of these pollutants. The permit requires, however, monitoring for these parameters to gain a better understanding of whether there is a need for limits in the future to protect beneficial uses.

Because the proposed permit does not allow lowering of water quality from any of these pollutants, DEQ has concluded that the proposed permit should not cause a lowering of water quality for pollutants with no limit. As such, the proposed permit should maintain the existing high water quality in those water bodies identified as fully supporting its beneficial uses.

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

Protection of Outstanding Resource Waters (Tier 3 Protection)

The DWGP does not authorize discharges to outstanding resource waters; EPA is requiring applicants proposing to discharge to Tier 3 waters, to obtain an individual NPDES permit. Therefore, DEQ has determined that the proposed permit complies with Idaho's antidegradation provision concerning outstanding resource waters (IDAPA 58.01.02.051.03, 58.01.02.052.09).

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

Monitoring of Discharges to Impaired Waters

The proposed DWGP does not require monitoring on impaired waters where no pollutant has been identified as the cause of impairment. For water bodies included on the state's §303(d) list (Category 5 of the Integrated Report), identified as "cause unknown", the permittee will be required to monitor for the pollutants listed in the cause comments section of the report (e.g., nutrients, metals, pesticides).

New or Expanding Discharges

New dischargers or existing dischargers wishing to expand their discharge to high-quality waters are only eligible for coverage under the DWGP if the discharger establishes, to the satisfaction of EPA and DEQ, that the new or expanded discharge will not result in an increase in the concentration of pollutants relevant to the use for which the water is considered high quality, or that the increase constitutes insignificant degradation as defined in the WQS (IDAPA 58.01.02.052.08.a).

A new discharger or an existing discharger wishing to expand must include an analysis regarding whether the new or expanded discharge will cause an increase in the pollutants relevant to the use for which the water is considered high quality, and if there is an increase, whether that increase constitutes insignificant degradation in the NOI, or in the planned changes report.

These NOIs and planned changes reports must be submitted to both EPA and DEQ. If DEQ determines the new discharge or planned changes of an existing discharger will result in significant degradation, the permittee will need to obtain DEQ's approval of an alternatives analysis (IDAPA 58.01.02.052.08.c), a socioeconomic justification (IDAPA 58.01.02.052.08.d)

and information regarding other source controls (IDAPA 58.01.02.052.08.b.) in order to obtain coverage under the permit.

Mixing Zones

Pursuant to IDAPA 58.01.02.060, DEQ authorizes mixing zones that utilize the following percentages of the critical flow volumes of each facility's receiving water body for TRC.

Facility	Receiving Water Body	% Mixing Zone
City of Bonners Ferry WTP	Kootenai River	1%
City of Lewiston WTP	Lower Granite Dam pool	6%
City of Weiser WTP	Upper Brownlee Reservoir	1%
Laclede Water District WTP	Pend Oreille River	1%
Wilderness Ranch WTP	Mores Creek	6%

Reporting of Discharges Containing Hazardous Materials or Petroleum Products

Any release that causes a sheen in the waters of the state or a spill of hazardous material that cannot be immediately controlled or contained must be reported by calling 911 and the appropriate DEQ Regional Office (Table 1).

All unauthorized releases of hazardous materials to state waters or to land such that there is a likelihood that it will enter state waters, the responsible persons in charge must:

- Make every reasonable effort to stop a continuing spill.
- Make every reasonable effort to contain spilled material in such a manner that it will not reach surface or ground waters of the state.
- Immediately notify the appropriate DEQ Regional Offices (Table 1) during normal working hours.
- If the spill occurs after normal working hours, and is immediately stopped and contained, notification must be made to the Idaho State Communications Center at 1-800-632-8000.
- If the released amount meets federal reporting criteria, notification must be made to the National Response Center at 1-800-424-8802.

Table 1. Release Reporting Phone and Fax Numbers

Regional Office	*Address*	*Phone and Fax Number*
Boise	1445 N. Orchard Rd., Boise, ID 83706	ph: (208) 373-0550 fx: (208) 373-0287 toll-free: (888) 800-3480
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene, ID 83814	ph: (208) 769-1422 fx: (208) 769-1404 toll-free: (877) 370-0017
Idaho Falls	900 N. Skyline, Suite B, Idaho Falls, ID 83402	ph: (208) 528-2650 fx: (208) 528-2695 toll-free: (800) 232-4635
Lewiston	1118 "F" St., Lewiston, ID 83501	ph: (208) 799-4370 fx: (208) 799-3451 toll-free: (877) 541-3304
Pocatello	444 Hospital Way #300, Pocatello, ID 83201	ph: (208) 236-6160 fx: (208) 236-6168 toll-free: (888) 655-6160
Twin Falls	650 Addison Ave. W, Suite 110, Twin Falls, ID 83301	ph: (208) 736-2190 fx: (208) 736-2194 toll-free: (800) 270-1663
State Office	1410 N. Hilton Rd., Boise, ID 83706	ph: (208) 373-0502 fx: (208) 373-0576

Other Reporting

Copies of the following information must be sent to DEQ:

- Notices of Intent and Termination (NOIs and NOTs)
- Exceedance Reports - must be sent to DEQ within thirty (30) days of the facility receiving the analytical results
- Planned Changes Reports

The NOIs, NOTs, Exceedance Reports, and Planned Changes Reports are to be submitted electronically to DWGPreporting@deq.idaho.gov. The email subject line should include:

- The facility name
- The appropriate regional office acronym (CRO, LRO, BRO, TFRO, PRO or IFRO)
- The type of document being submitted

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 thirty-five (35) days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to Nicole Deinarowicz at (208) 373-0591 or via email nicole.deinarowicz@deq.idaho.gov.

Barry N. Burnell

Barry N. Burnell
Water Quality Division Administrator