



Fact Sheet

NPDES Permit Number: ID-000061-2

Date: December 30, 1999

Public Notice Expiration Date: January 28, 2000

The U.S. Environmental Protection Agency (EPA) Plans To Reissue A Wastewater Discharge Permit To:

**McCain Foods, Incorporated
(Burley Factory)
P.O. Box 10
Burley, Idaho 83318**

and requests the State of Idaho to certify this NPDES permit pursuant to 40 CFR Part 124.53.

EPA Proposes NPDES Permit Reissuance.

EPA proposes to reissue a *National Pollutant Discharge Elimination System* (NPDES) Permit to the McCain Foods, Inc. The draft permit sets conditions on the discharge of pollutants from the McCain Foods facility to the Snake River. In order to ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged.

This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures
- a description of the current discharge
- a listing of past and proposed effluent limitations, schedules of compliance, and other conditions
- a description of the discharge location
- and detailed technical material supporting the conditions in the permit

Idaho State Certification.

EPA requests the Idaho Department of Health and Welfare, Division of Environmental Quality (IDHW-DEQ) to certify the NPDES permit for the McCain Foods facility, under section 401 of the Clean Water Act. The state provided preliminary comments prior to the Public Notice which have been incorporated or addressed into the fact sheet and draft permit.

Public Comment.

EPA will consider all substantive comments before issuing the final permit. Those wishing to comment on the draft permit may do so in writing by the expiration date of the Public Notice. A request for public hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. After the Public Notice expires, and all comments have been considered, EPA's regional Director for the Office of Water will make a final decision regarding permit reissuance.

If no substantive comments are received, the tentative conditions in the draft permit will become final, and the permit will become effective upon issuance. If comments are received, EPA will address the comments and issue the permit. The permit will become effective 30 days after the issuance date, unless a request for an evidentiary hearing is submitted within 30 days.

Documents are Available for Review.

The draft NPDES permit and related documents can be reviewed or obtained by visiting or contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (See address below). Draft permits, Fact Sheets, and other information can also be found by visiting the Region 10 website at www.epa.gov/r10earth/water.htm. The EPA technical contact is Mike Lidgard, Office of Water, (206) 553-1755.

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101
(206) 553-1214 or
1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

The Fact Sheet and draft permit are also available at:

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

Idaho Division of Environmental Quality
Twin Falls Regional Office
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301-3035

TECHNICAL INFORMATION

1. Applicant

McCain Foods, Incorporated
(Burley Factory)
P.O. Box 10
Burley, Idaho 83318

2. Background

McCain Foods, Incorporated operates under a national pollutant discharge elimination system (NPDES) permit with effective and expiration dates of October 31, 1994, and November 1, 1999, respectively. McCain Foods submitted an application for permit renewal on April 19, 1999. Because the application for renewal was timely, under the conditions of 40 CFR 122.6, McCain Foods is authorized to continue discharging under the terms of the existing permit until a new permit is issued.

The McCain Foods permit was modified effective August 31, 1999 in order to incorporate the applicable effluent limitation and conditions of the *Middle Snake River Watershed Management Plan*, Idaho Department of Environmental Quality (DEQ) 1997. The Management Plan addressed nutrient loading, specifically total phosphorus, for the Middle Snake River. The modification included effluent limitations, monitoring, and best management practices related to the discharge of total phosphorus. The modification also included a schedule for the facility to comply with the phosphorus effluent limits.

3. Project Activity and Location

McCain Foodservice, Inc. (Burley, Idaho Factory) processes raw potatoes at two adjacent facilities (Plant Nos. 1 and 2) and manufactures frozen potato products (french fries, hashbrowns, etc.). The facilities are located on the South bank of the Snake River, approximately two miles West of Burley, Idaho. Process wastewater consisting of silt pond overflow (raw potato washwater) and peeling, trimming, cutting, frying, freezing, and packaging process water is provided waste treatment consisting of preliminary screening, primary clarification, anaerobic digestion, preaeration activated sludge, and final secondary clarification prior to discharge through an outfall and diffuser (Outfall 001) into the Snake River (mid-channel) at River Mile (R.M.) 648.80. Settled solids from the primary clarifier are centrifuged and this material along with byproducts recovered in the peeling and trimming processes via screening and filtration, are utilized for animal feed.

The other active discharges are all located along the South side of the river, and include (1) well overflow, defrost and cooling water from Plant No. 1 and the A & P Factory (Outfall 002, R.M. 648.8), and (2) well overflow, defrost and cooling water from Plant

No. 2 (Outfall 004, R.M. 649.13). Another outfall (Outfall 003 at R.M. 649.00), also located on the South side of the river, is used only for emergency bypasses of defrost and cooling water that are normally recycled.

4. Receiving Water

McCain Foods discharges throughout the year to the Snake River at outfalls identified above and located between R.M. 648.80 to 649.18. The Idaho receiving water quality standards are contained in Title 1, Chapter 2 of the Idaho Code entitled, "Water Quality Standards and Wastewater Treatment Requirements".

In Section 01.2150.01.bb. of these standards, the Snake River from Heyburn/Burley Bridge to Milner Dam, the reach into which the McCain Foods facility discharges occur, is classified for warm water biota, primary contact recreation, secondary contact recreation, and agricultural water supply. This reach of the Snake River is also included for coverage in the EPA 40 CFR Part 131 (57 FR 60848, December 22, 1992) Final Toxics Rule concerning numeric criteria for selected toxic pollutants.

5. Effluent Limitations and Monitoring

The permit was issued in October 1994. The draft permit and fact sheet with technical material supporting the conditions in the permit was issued on January 17, 1994. The permit was drafted using technology-based guidelines and water-quality based procedures as described in the EPA document "Technical Support Document for Water Quality Based Toxics Control (March 1991)". Limits were developed for BOD, total suspended solids, ammonia, pH, and temperature. Phosphorus limitations were added through a permit modification in 1999 to address the TMDL for the mid-Snake River. The permit contains effluent monitoring to measure parameters with effluent limitations, fecal coliform bacteria, and nutrients.

The basis for the permit conditions for the McCain Foods facility is described in detail in the fact sheets, responses to comments, and Total Maximum Daily Load (TMDL) developed for the 1994 permit and the 1999 modification for phosphorus. There have been no changes in the technology or water quality-based requirements that apply to the McCain Foods facility since the development of the 1994 permit other than the phosphorus conditions which were addressed in 1999. There also have been no changes in Idaho Water Quality criteria or significant changes at the facility. Therefore, EPA proposes to reissue the permit with no changes to the permit limitations and a small number of revisions which are described below.

The 1994 fact sheet and response to comments, along with the fact sheet and response to comments for the 1999 phosphorus modification continue to form the basis for the unchanged permit conditions. These documents are available upon request by calling

(206) 553-1755. The documents are also available for review at the offices listed on page 2 of this fact sheet.

6. Proposed Permit Changes

- A. **Biomonitoring Program Requirements.** The permittee has performed quarterly whole effluent toxicity testing since issuance of the 1994 permit. None of the effluent tests have demonstrated toxicity. Therefore, EPA proposes to discontinue quarterly toxicity testing and instead require toxicity testing in the fourth year of the permit. Testing in the fourth year of the five-year permit will provide information for the next permit reissuance. Should monitoring in the fourth year demonstrate toxicity, the proposed permit triggers additional toxicity testing to be conducted at that time.
- B. **Penalties for Violations of Permit Conditions.** The 1994 permit contained maximum penalty amounts for civil and criminal penalties. Those amounts have since been modified and are periodically adjusted per the Federal Civil Penalties Inflation Adjustment Act. The permit language of Section III.B. has been modified and now references the appropriate Clean Water Act sections and no longer includes specific fine amounts.
- C. **Outfalls SR-1 and SR-2.** Outfalls SR-1 and SR-2 have been eliminated since the 1994 permit was issued and, therefore, the requirements related to these two outfalls have been removed.
- D. **Best Management Practices (BMP) Plan.** The date for submission of the BMP plan was based on the effective date of the permit modification. In order to clarify this requirement the specific date (February 28, 2000) has been included in the permit.

7. Other Legal Requirements

- A. **Endangered Species Act:** Section 7 of the Endangered Species Act requires federal agencies to request a consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USF&WS) regarding potential effects an action may have on listed endangered species. In letters dated February 25 and May 20, 1997, the U.S. Fish and Wildlife Service (USFWS) identified the following federally-listed endangered and threatened species in the Middle Snake River area:

Endangered Species:

- @ Gray wolf (*Canis lupus*) - experimental
- @ Utah valvata snail (*Valvata utahensis*)
- @ Snake River physa snail (*Physa natricina*)
- @ Banbury Springs limpet (*Lanx sp.*)
- @ Idaho spring snail (*Pyrgulopsis idahoensis*)

Threatened Species:

- @ Bald eagle (*Haliaeetus leucocephalus*)
- @ Bliss Rapids snail (*Taylorconcha serpenticola*)
- Ute ladies' tresses (*Spiranthes diluvialis*)

In addition to these species, the USFWS has listed several species of concern: kit fox (*Vulpes velox*), white sturgeon (*Acipenser transmontanus*), Shoshone sculpin (*Cottus greenei*), California floater (*Anodonta californiensis*), and Columbia pebblesnail (*Fluminicola columbianus*).

As part of the 1999 NPDES modification for this facility, EPA completed a biological evaluation analyzing the effects of this permit on listed species. The evaluation led to consultation with USFWS under section 7 of the Endangered Species Act regarding the impact of the permit on the listed species.

The U.S. Fish and Wildlife Service subsequently issued a Biological Opinion in 1999 on the effects of EPA issuing this and eight other NPDES permits that authorize discharge into the Middle Snake River. The Service's opinion is that the proposed action was not likely to jeopardize the continued existence of listed snail species in the action area. The opinion also includes an "Incidental Take Statement". Under the terms of Section 7(b)(4) and Section 7(o)(2) of the Endangered Species Act, take of species that is incidental to an agency's action is not prohibited provided that such taking is in compliance with the terms and conditions of the Incidental Take Statement. The Service identified eight "reasonable and prudent measures" that must be addressed by EPA in order to minimize incidental take. As described in the Biological Opinion, measures listed in the Incidental Take Statement are "non-discretionary, and must be implemented by the EPA so that they become binding conditions of any grant or permit issued to the applicant..."

EPA revised the NPDES permit during the 1999 modification in order to address the reasonable and prudent measures identified by the USFWS. USFWS has stated that the not likely to jeopardize the continued existence of snail species issued with the 1999 modification continues to be applicable to this reissuance action. EPA will provide NMFS and USFWS with copies of the proposed permit and fact sheet during the public notice period. Any comments received from these

agencies regarding this determination will be considered prior to reissuance of this permit.

B. State Certification

Because state waters are involved in this permitting action, the provisions of Section 401 of the Act apply. In accordance with 40 CFR §124.10(c)(1), public notice of the draft permit has been provided to the State of Idaho agencies having jurisdiction over fish, shellfish, and wildlife resources.

As part of the certification, the State will be asked to certify the mixing zone used in calculating the effluent limitations in the proposed permit. If certification of the mixing zone is not provided, the limitations in the permit will be recalculated based on meeting water quality standards at the point of discharge.