

**National Pollutant Discharge Elimination System (NPDES) Permit for**

**Post Falls Highway District  
Municipal Separate Storm Sewer System (MS4)**

**NPDES Permit No. IDS-028193**

**Response to Comments on Proposed Permit**

**November 2008  
U.S. Environmental Protection Agency, Region 10**

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### I. Introduction

On February 29, 2008, the U.S. Environmental Protection Agency Region 10 (EPA) proposed a draft National Pollutant Discharge Elimination System (NPDES permit for discharges from municipal separate storm sewer system (MS4) owned and operated by the Post Falls Highway District (District). This NPDES permit, # IDS-028193, will be referred to in this document as the District Permit or Permit.

EPA published a public notice announcing the proposed District Permit in the *Coeur d'Alene Press* on February 29, 2008. EPA also concurrently proposed four similar NPDES permits for the following entities within the Urbanized Area: Idaho Transportation Department District #1 (NPDES Permit #IDS-028223), City of Coeur d'Alene (NPDES Permit #IDS-028215), City of Post Falls (NPDES Permit #IDS-028231) and Lakes Highway District (NPDES Permit #IDS-028207). EPA hosted a public hearing regarding all of these proposed permits on the evening of April 2, 2008, at the Lake City Senior Center in Coeur d'Alene. The public comment period closed on April 29, 2008.

This document provides a response to comments received on the proposed District Permit. In some cases, the exact phrasing of the comment is presented. In other cases, substantive portions of the comment were excerpted or summarized. The Administrative Record contains complete copies of each comment letter.

Unless otherwise noted, all comments pertaining to this permit were received from the District. Comments relevant to each of the five concurrently proposed municipal storm water permits are also included, and are attributed to their author as indicated. These comments are organized in the order the topic or issue is found in the proposed District Permit. Where indicated, EPA has made changes to the final District Permit.

## II. State Certification under Clean Water Act §401

On February 19, 2008, Idaho Department of Environmental Quality (IDEQ) provided a draft Clean Water Act (CWA) §401 certification which found that the proposed District Permit provides reasonable assurance that Idaho water quality standards will be met. IDEQ accepted public comment on the draft certification concurrently during the EPA comment period through April 29, 2008.

IDEQ issued a final CWA §401 certification on October 22, 2008. A copy of the IDEQ's final certification is also included in Appendix A.

## III. Response to Comments

1. **Comment: Regarding Part I.C.4, Snow Disposal to Receiving Waters:** When plowing snow, the District has no other viable option other than to plow the snow into the roadside ditches or, in the case of the Spokane Street Bridge, to plow it directly into the Spokane River.

**Response:** Snow plowed from urban streets and parking lots often contains a variety of materials which accumulate on the snow pack and other cleared surfaces. Studies of urban snow disposal sites in northern climates demonstrate that snow melt water can also be a potential source of significant pollutant loadings to surface water, and commonly contains pollutants such as debris, sediment, chlorides, and oil and grease. (See Appendix B of this document and the permit's Administrative Record).

Further, the discharge of pollutants contained in collected snow to waters of the United States requires a NPDES permit. Consistent with EPA's draft Snow Dumping Policy (April 1996), included in the Administrative Record for this action, this Permit prohibits the specific practice of disposing excess snow through dumping directly to waters of the United States. In the preamble to the Phase II stormwater regulations, EPA discusses that it is appropriate for MS4 operators to consider controls for reducing or eliminating the discharge of pollutants from various municipal operations, including snow disposal areas operated by the municipality. (64 FR 68761-68762, December 8, 1999). EPA exercises its enforcement discretion on a case-by-case basis when evaluating MS4 permit compliance with regard to snow disposal.

EPA expects MS4 operators to define appropriate Best Management Practices (BMPs) to control pollutants in snow melt runoff from publicly-owned snow disposal areas and snow management practices through the "Good Housekeeping/Pollution Prevention for Municipal Operations" section of the Storm Water Management Program (SWMP) requirements in Part II.B.6 Example practices which the permittee could consider and utilize include: using upland areas for the storage and disposal of accumulated snow, preferably in flat areas at least 100 feet from adjacent water bodies, wetlands, and areas near public

or private drinking water wells; dumping snow exclusively in pervious areas where it can infiltrate; and/or removing sediment and debris from dump areas each spring.

If the District defines and employs practices which are reasonable and appropriate to minimize the accumulation of grit, litter, and other pollutants in snow plowed from the District's roadways, such snow management techniques are not in conflict with the requirements of this permit.

2. **Comment: Regarding Part II.A.1-4**, the District will develop, implement and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable and to protect water quality in receiving waters per the measures listed in the Permit.

**Response:** Comment noted.

3. **Comment (Idaho Transportation Department District #1) : Regarding Part II.A.2.a**, the permit needs to identify any applicable water quality standards and points of compliance so that the permittee can ensure compliance.

**Response:** This comment is relevant to all of the concurrently proposed MS4 permits for the Coeur d'Alene Urbanized Area. Therefore, to provide additional clarity, EPA has revised Parts I.C.1.c.ii , I.C.2 and II.A.2.a of the District Permit to specifically reference the State of Idaho water quality standards found at IDAPA 58.01.02. The physical points of compliance are the location(s) at which the MS4 discharges to waters of the U.S.

4. **Comment: Regarding Part II. B.1.**, the District will implement an education program and distribute appropriate materials once a year to employees, the general public, and businesses with whom the District has contact.

**Response:** Comment noted.

5. **Comment: Regarding Part II.B. 2, Public Involvement/Participation**, the District will make all relevant documents available to the public. The District is in the process of rebuilding its website and will make sure that, when required, the SWMP and Annual Reports are posted on the site.

**Response:** Comment noted.

6. **Comment: Regarding Part II.B.3.a**, the District will implement a program to detect illicit discharges, written spill response procedures, illegal dumping into the MS4, and train District staff on response and tracking. However, the District cannot address the removal of non-storm water discharges as they have no authority or jurisdiction off of the road right-of-ways. The District will report any discharges to the appropriate agency.

**Response:** EPA expects the District to prohibit, and to act to remove, non-storm water discharges within its available power within its jurisdiction. At a minimum, District policy and standard response procedures should be established to clarify how the District responds to non-stormwater discharges to its drainage system adjacent to the road right of ways. For example, based on the District's comment, EPA would expect that the District will explain in the required procedures how/when the District will report the discharge to the appropriate agency and how/when the District will follow-up on such reports of discharge.

7. **Comment: Regarding Part II.B. 3. b.-c,** at this time the District does not have ordinance authority. Any issues regarding ordinances and enforcement procedures will be directed to the appropriate regulatory agency.

**Response:** As mentioned above, EPA expects the District to use all available powers to establish relevant District policy and response procedures to prohibit non-stormwater discharges to its MS4. EPA's use of the phrase "ordinance or *other regulatory mechanism to the extent allowable under state or local law*" (emphasis added) in Part II.B.3.b acknowledges that different organizations have different legal authority. EPA expects that the enforcement procedures developed for this program will include coordination with adjacent municipalities, as well as coordination with state and/or federal regulatory agencies to address situations where investigation shows the discharge originates outside the permittee's (physical or legal) jurisdiction. Procedures for notifying EPA and/or IDEQ for enforcement assistance are appropriate where the permittee lacks legal authority to establish enforceable rules, or if the discharger repeatedly fails to comply with procedures or policies established by the permittee.

8. **Comment: Regarding Part II.B.3.d,** the District will complete a comprehensive MS4 map to include jurisdictional boundaries, the location of all District-owned or operated storm sewers, culverts, ditches, and other conveyances, and the location of all inlets and outfalls, points at which the permittee's MS4 is interconnected with other MS4s, names and locations of all waters that receive discharges from those outfalls, and locations of all municipally-owned or operated facilities, including snow disposal sites and the permittee's maintenance yard located within the Coeur d'Alene Urbanized Area.

**Response:** Comment noted.

9. **Comment: Regarding Part II.B.3. e,** the District will initiate an ongoing education program regarding hazards associated with illegal discharges and improper disposal of waste for its employees, businesses, and the general public that we have daily contact with.

**Response:** Comment noted.

10. **Comment: Regarding Part II.B.3. f.-g,** the District has no authority off of the right-of-ways at this time.

**Response:** EPA expects that the District's SWMP will be implemented within the areas where the District has legal authority. The requirements to monitor the MS4 system outfalls for dry weather discharges and to report whether industrial stormwater discharges to the District's MS4 from properties adjacent to the highway right of ways does not require specific or additional legal authority.

11. **Comment: Regarding Part II.B. 4. a & b,** the District currently has a program in effect to control pollutants in storm water runoff from its construction projects. A written program will be implemented. The District will require all contractors working for the District to comply with the Construction General Permit.

**Response:** Comment noted.

12. **Comment: Regarding Part II.B.4.c.,** the District has no ordinance authority; however, the District can monitor work performed within the District's right-of-ways. For work performed outside of the right-of-ways, the District will contact the appropriate regulatory agency.

**Response:** As set forth in the response to comments, above, EPA recognizes the limits of the District's legal authority.

13. **Comment: Regarding Part II.B.4.d.,** the District can distribute local requirements for erosion and sediment control BMPs from local cities and the County.

**Response:** Comment noted.

14. **Comment: Regarding Part II.B.4. e & f,** the District will develop procedures for reviewing all pre-construction site plans for potential water quality impacts for projects within the right-of-ways or public road projects. We will include provisions for receipt and consideration of information submitted by the public. All building are regulated through Kootenai County. The District will receive, track, and review information from the public and, if necessary, pass it on to the appropriate regulatory agency.

**Response:** Comment noted.

15. **Comment: Regarding Part II.B.4.g.,** the District will develop and implement procedures for site inspection and enforcement of control measures for projects within its right-of-ways. All other projects will be referred to the appropriate regulatory agency.

**Response:** Comment noted.

16. **Comment: Regarding Part II.B.4.h.**, the District will require that all contractors working on Highway District projects comply with the Construction General Permit and all relevant local requirements for erosion, sediment, and onsite materials controls. All other projects will be referred to the appropriate regulatory agency.

**Response:** Comment noted.

17. **Comment: Regarding Part II.B.5 a.**, the District will implement and enforce their requirements addressing post-construction storm water runoff from new development and redevelopment projects that disturb at least one acre and discharge into the permittee's MS4 for projects in our right-of-way. The District will comply with the County ordinance.

**Response:** Comment noted.

18. **Comment: Regarding Part II.B.5.b.**, the District has no ordinance authority. However, the District can regulate within their right-of-ways and request that the local regulatory agency adopt an ordinance to address post-construction runoff.

**Response:** Comment noted. The District should document its policies and procedures to address post construction storm water discharges, and report those in the corresponding Annual Report.

19. **Comment: Regarding Part II.B.5.c & d.**, the District is currently providing operation and maintenance on all roadways within the District's jurisdiction. The District currently has a process for pre-construction plan review to insure they comply with Kootenai County ordinances.

**Response:** EPA will revise the timeframes for Part II.B.5.c & d of the Permit to reflect the fact that the District already has a review process for pre-construction plans and already has an operation and maintenance program. EPA will require that such practices continue from the effective date of the permit and are updated as needed to comply with the Permit.

20. **Comment: Regarding Part II.B.6.a, b & c.**, the District will develop and implement an operation and maintenance program to prevent and reduce pollutant runoff from Highway District operations; develop and conduct appropriate annual training for Highway District personnel with regard to optimum maintenance practices for the protection of water quality, and will prepare a Storm Water Pollution Prevention Plan (SWPPP) for its maintenance yard.

**Response:** Comment noted.

21. **Comment: Regarding Part II.C.1.**, the District has no authority off its right-of-ways.

**Response:** EPA acknowledges the limits to the District's legal authority. The permit requires that the District's SWMP be implemented throughout the portion of the District's jurisdiction and authority located within the Coeur d'Alene Urbanized Area.

22. **Comment: Regarding Part II.C.2.**, the District will provide a description of how the activities in each of the minimum control measures will be targeted by the permittee to control the discharge of pollutants of concern and ensure to the maximum extent practicable that the MS4 discharges will not cause an in-stream violation of the water quality standards. The District will specifically identify how they will evaluate and measure the effectiveness of the SWMP to control the discharge of the pollutants of concern.

**Response:** Comment noted.

23. **Comment: Regarding Part II.D.1.-4.**, the District will annually review its SWMP actions and activities as part of the preparation for the Annual Report. The District may request changes to any SWMP action or activity.

**Response:** Comment noted.

24. **Comment: Regarding Part II E.**, the District will implement actions and activities of the SWMP in all new areas added or transferred to the District's MS4 as quickly as possible, but not later than one year after date upon which new areas were added.

**Response:** Comment noted.

25. **Comment: Regarding Part II.F**, the District will provide adequate finances, staff, equipment and other support capabilities to implement the SWMP actions and activities in this permit.

**Response:** Comment noted.

26. **Comment (City of Coeur d'Alene) Regarding Part IV. C. 2 – Annual Report**, It appears that the annual report is due at the end of the reporting period, which does not allow any time to compile the most recent data and assimilate it into a report. We suggest that the annual report be due 3 months after the end of the reporting period. If the permit is issued in the fall this is a very busy time for staff and the 3 month period provide adequate time to compile all the information and data and produce the report.

**Response:** This comment is relevant to all of the concurrently proposed MS4

permits for the Coeur d'Alene Urbanized Area. EPA agrees to address this timing issue by revising Part IV.C.2 to identify a specific date (February 15) by which the Annual Report is due to be submitted; the report will reflect work done in the previous 12 month period reporting period.

27. **Comment (Spokane Tribe of Indians):** The Spokane Tribe expects the Washington Department of Ecology to develop a Total Maximum Daily Load (TMDL ) for polychlorinated biphenyls (PCBs) in the near future to address PCBs in the Spokane River. This NPDES permit should have some literature reference pertaining to such a TMDL because restrictions and/or modifications may need to take place prior to the expiration date of the permit.

**Response:** When a TMDL for PCBs is completed by Washington Department of Ecology, and approved by EPA, EPA will at that time consider whether any conditions of the TMDL require additional actions for the Post Falls Highway District relative to discharges from the MS4. EPA will then determine whether modification of the permit is necessary at that time.

#### **IV. Endangered Species Act**

The Endangered Species Act requires federal agencies to consult with the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA-Fisheries) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species. EPA evaluated the potential effects of the discharges from the Post Falls Highway District MS4 on listed endangered and threatened species in the vicinity of the Coeur d'Alene Urbanized Area, and has determined that issuance of this permit is not likely to adversely affect any threatened or endangered species or critical habitat.

Appendix C of this document includes the information used by EPA to support this determination.

# Appendix A – Final CWA §401 Certification from Idaho Department of Environmental Quality



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY



2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814 • (208) 769-1422

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

October 22, 2008

Mr. Michael Lidgard  
U.S. Environmental Protection Agency  
Region 10  
1200 6<sup>th</sup> Avenue, OW-130  
Seattle, WA 98101

RE: Final 401 Water Quality Certification for the Post Falls Highway District  
Municipal Separate Storm Sewer System (MS4) NPDES Permit # IDS-028193.

Dear Mr. Lidgard,

The State of Idaho Department of Environmental Quality (Department) has reviewed the proposed MS4 permit for Post Falls Highway District. This letter will serve as the Department's final Water Quality Certification.

#### WATER QUALITY CERTIFICATION

Based on the Department's review of the referenced permit, the Department certifies, pursuant to the provisions of Section 401 of the Federal Water Pollution Control Act (Clean Water Act) as amended, 33USC Section 1341, and Idaho Code Sections 39-101 et. seq., and 39-3601 et. seq., that if the permittee complies with the terms and conditions as written in Permit #IDS 028193, then there is a reasonable assurance that the authorized discharges of storm water will comply with applicable requirements of Sections 301, 302, 306 and 307 of the Clean Water Act.

This §401 Certification decision may be appealed pursuant to the Idaho Environmental Protection and Health Act, Idaho Code § 39-107(5) and the Idaho Administrative Procedure Act. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure before the Department of Environmental Quality Board

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(IDAPA 58.01.23) within thirty-five (35) days of the date of the Department's decision regarding the 401 certification.

Questions regarding this certification can be directed to June Bergquist at 208/666-4605 or e-mail to: [june.bergquist@deq.idaho.gov](mailto:june.bergquist@deq.idaho.gov).

Sincerely,



Dan Redline, Regional Administrator  
Coeur d'Alene Regional Office

cc: Barry Burnell, DEQ  
Doug Conde, DEQ

## **Appendix B: Snow Dumping and Disposal Practices**

EPA Memo: Draft Snow Dumping Policy, EPA and EPA Region 1, 1996

Carlson, Robert F, Synthesis of Best Management Practices for Snow Storage Areas, University of Alaska Fairbanks & et al for ADOT&PF, FHWA-AK-RD-03-04.

Oberts, Gary L. “Influence of Snowmelt Dynamics on Storm Water Runoff Quality”, Article 3, Feature article from Watershed Protection Techniques, 1(2): 55-61.

U.S. EPA. National Management Measures to Control Nonpoint Source Pollution from Urban Areas, January 2006. EPA-841-B-05-004, pp. 7/1-19

South Dakota Department of Water and Natural Resources, Minimizing the Environmental Impact from Snow Disposal, South Dakota Nonpoint Source Program, 1990, [www.state.sd.us/denr/dfta/watershedprotection/snow.htm](http://www.state.sd.us/denr/dfta/watershedprotection/snow.htm).

Wheaton, S. Private Snow Disposal Sites (On-Site Snow Storage Only) Operations Guidance (draft), Municipality of Anchorage, 2003.

Wheaton, S. and William Rice, “Siting, Design and Operational Controls for Snow Disposal Sites,” Municipality of Anchorage, March 2003.

Alaska Department of Environmental Conservation. Evaluation of Snow Disposal into Near Marine Environments, Final Report, June 2006.

Steinkraus, D.. “Heading for the Lake- More than melting snow runs into the water,” March 7, 2005. *The Journal Times Online*, Racine County, Wisconsin.

## **Appendix C – Endangered Species Act Determination of Not Likely to Adversely Affect Listed Species**

The Endangered Species Act requires federal agencies to consult with the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA-Fisheries) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species. EPA evaluated the potential effects of the discharges from the Post Falls Highway District MS4 on listed endangered and threatened species in the vicinity of the Coeur d’Alene Urbanized Area, and has determined that issuance of this permit is not likely to adversely affect any threatened or endangered species or critical habitat.

EPA reviewed the current list of endangered and threatened species from the USFWS, dated June 1, 2008 (14420-2008-SL-0354). For Kootenai County, Idaho, the following species are listed: Canada lynx (*Lynx canadensis*), Water howellia, (*Howellia aquatilis*), Spalding’s catchfly (*Silene spaldingii*) and bull trout (*Salvelinus confluentus*). Species lists available from NOAA Fisheries do not identify any additional listed endangered or threatened species within this portion of the Spokane River basin.

### ***Canada Lynx***

Canada lynx generally occur in boreal and montane regions dominated by coniferous or mixed forest with thick undergrowth, but they may also enter open forest, rocky areas, and tundra to forage for abundant prey. (Koehler 1990). Resident populations currently exist only in Maine, Montana, Washington and possibly Minnesota. The lynx is considered extant but no longer sustaining self-support populations in Idaho. (USFWS 1998). Hunting and habitat destruction are the primary causes of the Canada lynx decline.

Issuance of an NPDES permit for the Post Falls Highway District municipal storm water discharges within the Coeur d’Alene Urbanized Area will not result in habitat destruction, nor will it result in changes in population that could result from increased habitat destruction. Furthermore, issuance of this permit will not impact the food sources of the Canada lynx. Lynx are not an aquatic or aquatic dependent species; therefore any contact with water near a stormwater outfall within the Urbanized Area is unlikely and expected to be very infrequent. Therefore, EPA has determined that issuance of this permit will have no effect on the Canada lynx.

### ***Water Howellia***

Water Howellia, grows in firm consolidated clay and organic sediments that occur in wetlands associated with ephemeral glacial pothole ponds and former river oxbows. The known Idaho population of Water Howellia is found within Latah County, near Harvard, Idaho. Water Howellia appears to be extirpated from Kootenai County in Idaho (USFWS, et al, 2007a). EPA has therefore determined that issuance of this permit will

have no effect on Water Howellia.

### ***Spalding's Catchfly***

Spalding's Catchfly is an herbaceous perennial plant found in open, moist grassland communities, although it is occasionally also found within sagebrush-steppe communities as well as pine forests. The plant is typically found at elevations ranging from 420 to 1,555 meters (1,380 to 5,100 feet), usually in deep, productive loess soils (fine, windblown soils). Plants are generally found in swales or on north or east facing slopes where soil moisture is relatively higher. The final recovery plan for Spalding Catchfly (USFWS 2007b) includes a map of known populations of the species which suggest that the species are not known to occur near the Coeur d'Alene Urbanized Area within Kootenai County.

Issuance of an NPDES permit for the Post Falls Highway District MS4 discharges within the Coeur d'Alene Urbanized Area will not result in habitat destruction. Therefore, EPA has determined that issuance of this permit will have no effect on Spalding's Catchfly.

### ***Bull Trout***

Bull trout are native to the Pacific Northwest and western Canada and are widespread throughout the tributaries of the Columbia River Basin, including the headwaters of the Columbia in Montana and Canada (63 FR 31647, June 10, 1998). The USFWS listed the Columbia River segment of the bull trout population as threatened on June 10, 1998. That listing did not designate critical habitat (63 FR 31647). However, critical habitat was designated in 2005, and this designation included Lake Coeur d'Alene (70 FR 56212).

The Idaho Department of Fish and Game (IDFG) has stated that there is no reproducing population of bull trout in the Spokane River or any of its tributary streams and that the only bull trout that would be expected to be found in the Spokane River would be transients from Lake Coeur d'Alene. There is an adfluvial population that spawns in the headwaters of the St. Joe River, which is a tributary to Lake Coeur d'Alene. IDFG also stated that there is no fish passage at the Post Falls Dam (communication between Brian Nickel, EPA, and Ned Horner, IDFG, 2/1/07). EPA fact sheets for the 1999 reissuances of the NPDES permits for wastewater treatment plants discharging to the Spokane River state that bull trout cannot get past the Post Falls Dam and that bull trout in the Spokane River are probably transients from Lake Coeur d'Alene (EPA 1999a, 1999b, 1999c). There is no known population of bull trout in the Spokane River downstream of the Post Falls dam (FERC 2006).

As noted in the fact sheet for the Post Falls Highway District MS4 NPDES permit, the District discharges stormwater through an unknown number of outfalls. Post Falls Highway District owns and operates natural drainage channels, culverts and roadside ditches along the District road system. This permit requires a comprehensive map and system assessment to be completed by the District. Based on the location of the District's jurisdiction along the Spokane River, it is reasonable to assume that at least one

outfall may be located downstream of the Post Falls Dam; based on the location of known population of bull trout in the Spokane River, EPA determines that discharges from any District outfalls located downstream of the Post Falls Dam will have no effect on bull trout or on critical habitat for bull trout.

It is also reasonable to assume at least one District outfall discharges upstream of the Post Falls dam and downstream of Lake Coeur d'Alene. The mapping to be accomplished by the District will confirm whether any discharges from the road way system reaches the Spokane River.

EPA's permit requires the Post Falls Highway District to develop, implement and enforce a Storm Water Management Program (SWMP) designed to reduce pollutants to the maximum extent practicable and to protect water quality. EPA regulations require SWMPs to address six minimum control measures as defined in 40 CFR 122.32. Narrative effluent limits in the permit outline the specific actions which must be taken to implement following minimum measures:

- 1) Public education and outreach efforts educate the public on impacts of stormwater runoff so individuals can take actions to protect or improve the water quality.
- 2) Public involvement activities in development of the SWMP should encourage public participation in its implementation.
- 3) Illicit discharge detection and elimination to accurately map all storm sewer outfalls, prohibit discharges of non-storm water to the system, detect and address non-storm water discharges and inform the public of the hazards of illegal discharges and improper disposal of waste. EPA regulations allow MS4 operators to develop a comprehensive storm sewer system map as a result of the first five-year NPDES permit term. This program should significantly reduce any illicit discharges to the system that may contain contaminants that could potentially harm the snails.
- 4) Construction site runoff control ordinance to require the use of appropriate erosion, sediment and onsite waste control at construction sites, which will reduce pollutant discharges during the construction process.
- 5) Post-construction stormwater management requirements for new development and redevelopment ensure that appropriate stormwater pollution controls are included in the design of developments to reduce pollutant discharges in storm water runoff after construction is complete.
- 6) Pollution prevention/good housekeeping for municipal operations ensure that existing municipal operations and maintenance activities are performed to minimize contamination of stormwater discharges.

Since storm water discharges that will be covered by this Permit have existed for many years, all of the activities required in the implementation of the Post Falls Highway District SWMP should have a beneficial effect on the bull trout population upstream of the Post Falls dam by reducing the levels of environmental contaminants in existing storm water discharges. Therefore, EPA determines that issuance of this permit for any discharges from the Post Falls Highway District storm water outfalls located above

PostFalls dam may affect, but are not likely to adversely affect, bull trout in the Spokane River. Because it is unknown at this time whether Post Falls Highway District discharges directly to Lake Coeur d'Alene, EPA also determines that issuance of this permit will not adversely affect critical habitat for bull trout.

## References

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USFWS. 2002. Howella aquatilis (water howellia) - Threatened. Section 7 guidelines, Snake River Basin office, species guidance summary.

U.S. Fish and Wildlife Service. 2002. Chapter 15, Coeur d'Alene Lake Basin Recovery Unit, Oregon. 92 p. *In*: U.S. Fish and Wildlife Service. Bull Trout (*Salvelinus confluentus*) Draft Recovery Plan. Portland,Oregon.

USFWS, Bureau of Land Management, U.S. Forest Service, and Coeur d'Alene Indian Tribe. 2007a. Coeur d'Alene Basin Final Interim Restoration Plan and Environmental Assessment.

U.S. Fish and Wildlife Service. 2007b. Recovery Plan for *Silene spaldingii* (Spalding's Catchfly). U.S. Fish and Wildlife Service, Portland, Oregon.