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Idaho Conservation League

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John Drabek
US EPA Region 10
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Seattle, WA 98101

Lauri Monnot
IDEQ – Boise Regional Office
1445 N. Orchard
Boise, ID 83706

3/14/13

RE: Idaho Conservation League comments on the draft NPDES for the City of Homedale WWTP, Permit No.: ID 002042-7 and IDEQ 401 cert.

Dear Mr. Drabek and Ms. Monnot;

Thank you for the opportunity to comment on the draft NPDES permit and 401 certification for the City of Homedale's WWTP. Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 20,000 supporters, many of whom have a deep personal interest in protecting and restoring water quality throughout the Snake River. Indeed, we represent a number of members who depend on waters from of the Snake River system for irrigation, industry and recreation.

Issuance of new NPDES permits for the point source dischargers on the Snake River is critically important to protecting and restoring the health of the Snake River. Discharges from these facilities have a significant impact on the receiving water and on downstream waters. Unfortunately, this draft permit fails to implement sufficient reductions in effluent discharge to restore the water quality of the Snake River. As such, the proposed permit violates the Clean Water Act and should not be issued as written.

Our specific comments are attached.

Please do not hesitate to contact me at 208-345-6933 ext 24 or jhayes@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,

Justin Hayes
Program Director

Total Phosphorus Effluent Limits Not Consistent with TMDL Waste Load Allocations

The Mid Snake River/Succor Creek Subbasin Assessment and TMDL, developed by the Idaho Department of Environmental Quality (DEQ) in 2003 and subsequently approved by the EPA, is the approved TMDL for this segment of the Snake River. This TMDL established Waste Load Allocations (WLAs) for point sources that discharge in to this segment of the Snake River, including this facility.

This TMDL established a Total Phosphorus (TP) WLA of 5kg/day [equivalent to 11 lbs/day] for the Homedale WWTP.

When developing NPDES effluent limits, the Clean Water Act provides that the permitting agency (in this case EPA) needs to ensure that these effluent limits are consistent with the assumptions and requirements of the WLA developed in an EPA approved TMDL.

The Draft NPDES permit for Homedale proposes a TP limit as follows:

Average weekly limit is 17 lbs/day
Average monthly limit is 11 lbs/day

If the facility were to operate in such a manner that it discharged TP at 17 lbs/day for a week it would be in compliance with the draft permit. Indeed it could discharge significantly more than 17 lbs/day for several days, provided that there were sufficient lower discharge days to average 17 lbs/day over the course of a week. If the facility were to operate in such a manner it would be in compliance with the draft permit.

However, discharging greater than 11 lbs/day exceeds the TMDL wasteload allocation assigned to the Homedale WWTP.

The WLA is "the maximum daily load" that this facility can lawfully discharge. The WLA is not expressed as an annual load as some EPA approved Idaho TMDLs are; nor is it expressed as a monthly or weekly load. Neither the State's TMDL nor the EPA approval of the TMDL provide justification for extrapolating this facility's daily load limit to an average monthly or weekly load limit. Doing so would allow the facility to exceed the EPA approved WLA on some days.

Thus it is possible to be in compliance with the TP limit proposed in this draft NPDES permit and in violation of the TMDL. This conflict is unlawful and must be remedied. Therefore, the effluent limit for the facility must include a maximum daily discharge limit for TP of no greater than 11 lbs/day. As EPA must develop weekly and monthly average limits pursuant to 40 CFR 122.45(d)(2), then EPA must state that the weekly and monthly average limit is 11 lbs/day.

Average weekly limit inappropriately rounded up

The above stated concern notwithstanding, the 17 lbs/day TP value used for the average weekly limit appears to be incorrect. On page 24 of the draft NPDES factsheet, the calculation is shown for the derivation of the weekly average value is demonstrated. There, the value is reported to be 16.5 lbs/day.

It is inappropriate for EPA to 'round this figure up' from 16.5 to 17.