



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

OFFICE OF REGIONAL COUNSEL  
Mail Stop ORC-158  
Phone Number (206) 553-1037  
Fax Number (206) 553-0163

PLEASE DELIVER TO:

NAME: Clerk of the Board

OFFICE EAB

PHONE #

FAX # 202-233-0121

FROM: Courtney Weber

This transmission consists of 6 page(s) including this cover page.

ADDITIONAL MESSAGE:

Hi Eureka: Per your VM message, I'm re-sending this motion. ~~Per~~ Per the EAB Guidance Manual, I also sent the original via U.S. Mail. Thx! Courtney

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please contact us at (206) 553-1037.

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2011 MAR 31 PM 3:28  
ENVIR. APPEALS BOARD





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
REGIONAL COUNSEL

March 30, 2011

Via Facsimile and U.S. Mail

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Re: City of Twin Falls  
NPDES Permit No. ID-002127-0  
NPDES Appeal Nos. NPDES 09-12 & 10-08

Dear Sir or Madam:

Enclosed please find the original and five (5) copies of the Second Joint Status Report in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

Courtney J. Weber  
Assistant Regional Counsel

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Enclosures

cc: Fritz Wonderlich, Wonderlich & Wakefield

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the City's wasteload allocation for TSS. IDEQ submitted the TMDL to the Region for approval on January 11, 2011. Subsequently, IDEQ submitted additional information to the Region concerning the TMDL on February 8, 2011 and February 22, 2011.<sup>2</sup> On March 30, 2011, the Region approved the revisions to the TMDL.

On March 1, 2011, the Region issued a draft National Pollutant Discharge Elimination System (NPDES) permit modification and fact sheet for the City's wastewater treatment facility. The draft NPDES permit modification proposes to increase the final mass-based monthly effluent limitation for total suspended solids (TSS) from 980 pounds per day (lbs/day) to 2,142 lbs/day. The Region is also proposing to eliminate the compliance schedule for TSS that is in the current NPDES permit. The permit modification is based upon the revised TMDL and the Region's approval of the revised TMDL. The public comment period on the permit modification will end on March 31, 2011.

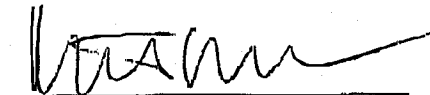
At this time, the Region believes that it will be able to issue the final permit modification by no later than May 30, 2011. As such, the parties do not propose a modification to the stay at this time. If the Region determines that there will be a delay in issuing the final permit modification by May 30, 2011, EPA will immediately notify opposing counsel and the Board. If the permit modification is finalized as it has been proposed, the City anticipates that it will request that the petition be dismissed; however, since the permit modification is not yet final, the City is not requesting a dismissal at this time.

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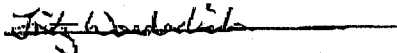
<sup>2</sup> On February 8, 2011, IDEQ submitted to the Region a contract between the City and IDEQ that spells out the City's commitment to install nonpoint source sediment reduction projects to offset the increase in the TSS waste load allocation for the City's wastewater treatment facility. On February 22, 2011, IDEQ submitted to the Region additional information regarding monitoring of the effectiveness of the nonpoint source reduction projects.

Dated this 30<sup>th</sup> day of March, 2011

Respectfully submitted,



Courtney Weber  
Assistant Regional Counsel  
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Tel: 206-553-1477  
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**CERTIFICATE OF SERVICE**

I certify that the foregoing "Second Joint Status Report" was sent to the following persons, in the manner specified, on the date below:

Original by facsimile to:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
Fax. No.: (202) 233-0121

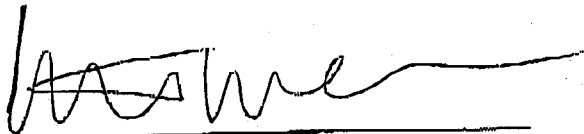
Original plus 5 copies by U.S. Mail to:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001

A true and correct copy by fax and electronic mail to:

Fritz Wonderlich  
Wonderlich & Wakefield  
Attorneys at Law  
P.O. Box 1812  
Twin Falls, Idaho 83303-1812  
Fax No.: (888) 789-0935  
Email: fritzwonderlich@gmail.com

DATED: March 30, 2011



Courtney Weber  
Assistant Regional Counsel  
U.S. EPA, Region 10