



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

JUL 21 2015

OFFICE OF
WATER AND WATERSHEDS

VIA ELECTRONIC FILING AND CERTIFIED MAIL

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Kevin J. Beaton
Stoel Rives, LLP
101 S. Capitol Blvd., Suite 1900
Boise, Idaho 83702-5958

Douglas M. Conde
Deputy Attorney General
Idaho Department of Environmental Quality
1410 N. Hilton, 2nd Floor
Boise, Idaho 83706

Justin Hayes
Program Director
Idaho Conservation League
PO Box 844
Boise, Idaho 83701

RE: Star Sewer & Water District Wastewater Treatment Plant
NPDES Permit No. ID0023591
Notice of Partial Withdrawal
Appeal No. NPDES 15-07

Dear Ms. Durr, Mr. Beaton, Mr. Conde and Mr. Hayes:

Pursuant to 40 C.F.R. § 124.19(j), the U.S. Environmental Protection Agency (EPA) Region 10 (Region) is providing notice of partial withdrawal of certain permit provisions set forth in National Pollutant Discharge Elimination System (NPDES) Permit No. ID0023591 issued to the Star Sewer and Water District (Star) Wastewater Treatment Plant (WWTP). The Region will modify the withdrawn permit provisions in a new permit proceeding that will go through public notice and comment pursuant to 40 C.F.R. § 124.6. In the meantime, the

remaining permit provisions (*i.e.* those that were not appealed and not stayed) remain in effect and enforceable under the Clean Water Act. Star must continue to comply with the permit including the requirement to submit Discharge Monitoring Reports (DMRs).

As background, on April 27, 2015, Star filed its Petition for Review before the Environmental Appeals Board (EAB). Star contested the Region's determination to apply the cold water aquatic life and primary contact recreation designated uses to the Lawrence Kennedy Canal, the waterbody that receives effluent from Star's WWTP. *See* Petition at p. 2. Star did not specifically set forth the provisions in the permit that were affected by application of the cold water aquatic life and primary contact recreation designated uses. In a letter dated May 5, 2015, the Region set forth the conditions of the permit that were stayed as a result of the issue raised in the petition for review. Those conditions are as follows:

- (1) The interim and final total ammonia as N concentration and mass loading effluent limits;
- (2) The final total residual chlorine concentration and mass loading effluent limits;
- (3) Task 4 of the chlorine compliance schedule.

See Letter to John Kirtley, Star Sewer & Water District, from Daniel Opalski, EPA Region 10, re Notification of Stayed Permit Conditions, dated May 5, 2015.

Under regulations governing the EAB appeal process, at any time prior to thirty (30) days after filing the response to the petition, the Region may withdraw portions of a contested permit and prepare a new draft permit under 40 C.F.R. § 124.6 addressing the portions so withdrawn. 40 C.F.R. § 124.19(j). The Region has determined that it will withdraw the permit conditions set forth above. These are the permit conditions that are affected by the designated use determination. As part of the future permit proceedings, the Region will reconsider the designated use determination.

As previously stated, the remaining uncontested permit provisions will remain in effect pursuant to 40 C.F.R. § 124.19. As clarification, the Region is not withdrawing the compliance schedule related to ammonia and phosphorus because that 10-year compliance schedule remains applicable for the purpose of achieving the final phosphorus effluent limit. This also means that the interim phosphorus limit will remain in effect. Moreover, the interim chlorine effluent limits remain in effect as those limits are technology-based effluent limits that are not affected by the designated use determination. The Region will commence new draft permit proceedings to address the provisions that have been withdrawn.

If you have any questions regarding this notification, please contact Courtney Weber, Assistant Regional Counsel at (206) 553-1477.

Sincerely,



Daniel D. Opalski, Director
Office of Water and Watersheds

cc: Mr. John Kirtley, Board President, Star Sewer & Water District
Mr. Lance Holloway, IDEQ Boise Regional Office
Mr. Barry Burnell, IDEQ State Office