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ENVIR. APPEALS BOARD

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5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
6 ENVIRONMENTAL APPEALS BOARD
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9 In the Matter of:)

) Appeal No. NPDES 09-11

10 CITY OF CALDWELL)

) **CERTIFICATION OF INDEX TO**
) **ADMINISTRATIVE RECORD**

11 NPDES Permit No. IDS-028118)
12)

13 I, Michael Lidgard, am the Manager of the National Pollutant Discharge Elimination
14 System ("NPDES") Permits Unit, Office of Water and Watersheds, Region 10, U.S.

15 Environmental Protection Agency ("EPA). I hereby certify that to the best of my knowledge and
16 belief, the materials identified in the attached Index to EPA Administrative Record constitute the
17 complete EPA administrative record for purposes of judicial review of the NPDES permit issued
18 by EPA on September 4, 2009 to the City of Caldwell, NPDES Permit No. IDS-028118.

19 DATED: November 25, 2009
20

21 

22 Michael Lidgard, Manager
23 NPDES Permits Unit
24 Office of Water and Watersheds
25 U.S. Environmental Protection Agency Region 10
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, WA 98101
(206) 553-1755

CERTIFICATION OF ADMINISTRATIVE RECORD
Appeal No. NPDES 09-11

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
(206) 553-1037

Before the Environmental Appeals Board
Appeal No. NPDES 09-11
City of Caldwell
Index to EPA Region 10 Administrative Record

A: NPDES Permit Application & Pre-Draft Documents

EPA Record Exhibit	Date	Document Description
A-1	1/17/03	Letter from Robert Robichaud, Manager, NPDES Permits Unit, to Gordon Law, City Engineer, City of Caldwell, re: Permit Application Requirements for Storm Water Discharges
A-2	2/20/03	NPDES Permit Application for the City of Caldwell Phase II MS4 Att.: SWMP
A-3	1/9/06	Letter from William J. Schweitzer, Director, ACHD, to Ann Klee, General Counsel, EPA, and Benjamin Grumbles, Asst. Administrator for Water, EPA, re: MS4 NPDES Permit Discharges via Bureau of Reclamation Canal and Drain Facilities
A-4	7/20/07	Letter from James Hanlon, Director, Office of Wastewater Management, EPA, to William J. Schweitzer, Director, ACHD, re: MS4 NPDES Permit Discharges via Bureau of Reclamation Canal and Drain Facilities
A-5	12/13/07	City of Caldwell Storm Drain Map
A-6	1/2/08	Email message from Lee Van de Bogart, City of Caldwell, to Misha Vakoc, EPA, re: Update of City of Caldwell NPDES Permit Application Att: Updated NPDES Permit Application

B: ESA/EFH Documents

EPA Record Exhibit	Date	Document Description
B-1	6/1/2008	Letter from Jeffery Foss, U.S. Fish and Wildlife Service, Snake River Fish and Wildlife Office, to Jim Wertz, Director, EPA Idaho Operations Office, Subject: Semi Annual Species List Update File #600.1501 14420-2008-SL-0354
B-2	6/25/2008	Email from Brian Nickel, EPA to Misha Vakoc, EPA, re: Endangered and Threatened Species in the Boise River watershed

C: Technical Support Documents

EPA Record Exhibit	Date	Document Description
1. Census and Weather Information		
C-1	7/02	Population for Storm Water Entities as Defined by the 2000 Census – Idaho
C-2	7/02	Urbanized Area Maps for Nampa and Boise
C-3	2/20/2007	Western Regional Climate Center, Caldwell FAA ARPT, Idaho – Climate Summary, Period of Record: 8/1/1948 to 12/31/2005, < http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?id1380 >
2. EPA Studies, Guidance and Reports		
C-4	Undated	Measurable Goals Guidance for Phase II Small MS4s < http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm >
C-5	12/83	Results of the Nationwide Urban Runoff Program, Executive Summary, NTIS Number PB84-185545
C-6	1/93	Investigation of Inappropriate Pollutant Entries into Storm Drainage Systems: A User's Guide, EPA/600/R-92/238
C-7	4/10/96	Memo from Michael Plehn, NPDES Program Branch, EPA, to EPA Regional Storm Water Coordinators, re: Draft Snow Dumping Policy
C-8	9/1/96	Letter from Robert Perciasepe, Assistant Administrator, Office of Water, EPA, to State Water Program Directors, re: final Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits Att: Memo from Robert Perciasepe, Assistant Administrator, Office of Water, EPA, to EPA Water Management Division Directors re: Interim Permitting Approach for Water Quality Based Effluent Limitations in Storm Water Permits
C-9	10/99	Report to Congress on the Phase II Storm Water Regulations, EPA 833-R-99-001
C-10	10/00 (last updated 1/9/08)	National Menu of Best Management Practices for Storm Water Phase II < http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm >
C-11	10/00	Low Impact Development: A Literature Review, EPA Office of Water, EPA-841-B-00-005
C-12	3/01	EPA Requirements for Quality Assurance Project Plans, EPA Office of Environmental Information, EPA/240/B-01/003
C-13	4/02	Urban Stormwater BMP Performance Monitoring, A Guidance Manual for Meeting the National Stormwater BMP Database Requirements, EPA Office of Water and American Society of Civil Engineers, EPA 821-B-02-001

EPA Record Exhibit	Date	Document Description
C-14	11/22/02	Memo from Robert H. Wayland, III, Director, Office of Wetlands, Oceans and Watersheds, EPA, and James Hanlon, Director, Office of Wastewater Management, EPA, to Water Division Directors, EPA Regions 1-10, re: Establishing TMDL WLAs for Stormwater Sources and NPDES Permit Requirements Based on Those WLAs
C-15	12/02	Guidance for Quality Assurance Project Plans, EPA Office of Environmental Information, EPA/240/R-02/009
C-16	12/02	NPDES Permit Application Instructions For Regulated Small MS4s in EPA's Jurisdiction Within The Pacific Northwest, EPA Region 10 (last updated March 2003)
C-17	2/03	Storm Water Phase I MS4 Permitting: Writing More Effective Measurable Permits, Gentile, J, et al., EPA/625/C-03-003
C-18	5/1/2003	Small MS4 General Permits & Fact Sheet, NPDES Permit No. MAR040000, NHR040000, CTR04000I, MAR04000I, RIR04000I, and VTR04000F, EPA Region 1
C-19	6/23/03	NPDES General Permit for Storm Water Discharges From Federal Facility Small MS4s in Colorado, NPDES Permit No. COR042000, EPA Region 8
C-20	9/03	Draft NPDES General Permit and Fact Sheet for Small MS4s in New Mexico and Indian Country in New Mexico and Oklahoma, NPDES Permit No. NMR040000, NMR040001, and OKR040001, EPA Region 6
C-21	4/28/04	Quality Assurance Project Plan Template, EPA Region 10
C-22	9/04	Stormwater Management Design Guide: Volume 1- General Considerations, EPA Office of Research and Development, EPA600/R-04/121
C-23	9/04	Use of Best Management Practices in Urban Watersheds, EPA Office of Research and Development, EPA600/R-04/184
C-24	10/04	Pitt, Robert and The Center for Watershed Protection. Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, EPA Cooperative Agreement X-82907801-0
C-25	11/05	National Management Measures to Control Nonpoint Source Pollution from Urban Areas, EPA Office of Water, EPA-841-B-05-004
C-26	8/2/06	Memo from Benita Best-Wong, Director, Assessment and Watershed Protection Division, EPA, to Water Division Directors, EPA Regions 1-10, re: Clarification Regarding "Phased" TMDLs
C-27	12/07	Reducing Stormwater Costs through LID Strategies and Practices, EPA Nonpoint Source Control Branch, EPA 841-F-07-006
C-28	7/1/08	NPDES General Permit for Storm Water Discharges From Construction Activity, NPDES Permit No. IDR10-0000

EPA Record Exhibit	Date	Document Description
3. Other Studies and Reports		
C-29	Undated	International Stormwater BMP Database, <www.bmpdatabase.org>
C-30	Undated	Oberts, Gary L. Influence of Snowmelt Dynamics on Storm Water Runoff Quality, Watershed Protection Techniques 1(2): 55-61
C-31	6/87	Montoya, Barry L. Urban Runoff Discharges from Sacramento, 1984-1985, CVRWQCB Report No. 87-ISPSS
C-32	6/01	GAO. Water Quality - Better Data and Evaluation of Urban Runoff Programs Needed to Assess Program Effectiveness, Report to Congressional Requesters
C-33	8/8/02	Elzufon, Betsy. Tools to Measure Source Control Program Effectiveness, Water Environment Research Foundation, Project No. 98-WSM-2
C-34	1/03	New England Interstate Water Pollution Control Commission. Illicit Discharge Detection and Elimination Manual – A Handbook for Municipalities
C-35	9/03	Carlson, Robert F. Synthesis of Best Management Practices for Snow Storage Areas, University of Alaska Fairbanks, FHWA-AK-RD-03-04
C-36	2/16/04	Pitt, Robert, et al. The National Stormwater Quality Database, University of Alabama
C-37	9/05	IDEQ. Catalog of Stormwater Best Management Practices for Idaho Cities and Counties
C-38	6/19/06	Currier, Brian, et al. The Feasibility of Numeric Effluent Limits Applicable to Discharges of Stormwater Associated with Municipal, Industrial and Construction Activities, California State Water Resources Control Board
C-39	5/08	Clary, Jane, et al. Can Stormwater BMPs Remove Bacteria? Stormwater Magazine, May 2008
C-40	9/08	Gunderson, Jeff. Pervious Pavements – New Findings about their Functionality and Performance in Cold Climates, Stormwater Magazine, September 2008
4. Idaho Water Quality Information		
C-41	Undated	Idaho Water Quality Standards, IDAPA 58.01.02
C-42	12/18/98 (revised 9/29/99)	IDEQ. Lower Boise River TMDL-SubBasin Assessment, TMDLs
C-43	12/01	IDEQ. Fivemile and Tenmile Creek Subbasin Assessment
C-44	12/01	IDEQ. Lower Boise River Nutrient Subbasin Assessment
C-45	12/01	IDEQ. Mason Creek Subbasin Assessment
C-46	12/03	IDEQ. Implementation Plan for the Lower Boise River Total Maximum Daily Load

EPA Record Exhibit	Date	Document Description
C-47	9/30/05	IDEQ. 2002 Integrated (303(d)/305(b)) Report, Section 5: Impaired Waters
C-48	12/05	CH2MHill. Draft Technical Memorandum: Phosphorus Allocations, TMDL: Lower Boise River, prepared for IDEQ
C-49	8/07	IDEQ. Lower Boise River Phosphorus Allocations for the Snake River-Hells Canyon TMDL, p. 7-16.
C-50	2/09	IDEQ. Lower Boise Total Maximum Daily Load Five Year Review

D: CWA Section 401 Certification Documents

EPA Record Exhibit	Date	Document Description
D-1	4/25/08	Letter from Michael Lidgard, NPDES Permits Unit Manager, EPA, to Pete Wagner, IDEQ, re: Draft NPDES Permits for MS4s owned by City of Caldwell (NPDES #IDS028118), City of Nampa (NPDES #IDS028126) and City of Middleton (NPDES #IDS028100), Request for Draft §401 Certifications Att: Preliminary Draft Permit for City of Caldwell MS4 Draft Fact Sheet for City of Caldwell MS4
D-2	5/08/08	Email from Craig Shepard, IDEQ, to Misha Vakoc, EPA, Subject: Stormwater Permits
D-3	5/08/08	Email from Misha Vakoc, EPA, to Craig Shepard, IDEQ, Subject: Re: Stormwater Permits
D-4	5/27/08	Letter from Pete Wagner, IDEQ, to Michael Lidgard, NPDES Permits Unit Manager, EPA, re: NPDES Permits No. IDS028118, City of Caldwell, et al., transmitting draft water quality certifications for eight preliminary draft MS4 permits, pursuant to CWA §401
D-5	10/20/08	Letter from Scott Campbell, Moffatt Thomas, to Pete Wagner, IDEQ, re: Pioneer Irrigation District Comments on IDEQ Certification of NPDES Permit No. IDS028118
D-6	8/10/09	Letter from Michael Lidgard, NPDES Permits Unit Manager, EPA, to Pete Wagner, IDEQ, re: Request for Final §401 Water Quality Certification for NPDES Permit No. IDS028118, City of Caldwell MS4 Att: Final Draft Permit for City of Caldwell MS4, NPDES Permit No. IDS028118 Final Draft Response to Comments for NPDES Permit No. IDS028118

EPA Record Exhibit	Date	Document Description
D-7	8/25/09	Letter from Pete Wagner, IDEQ, to Michael Lidgard, NPDES Permits Unit Manager, EPA, re: Final §401 Water Quality Certification for NPDES Permit Nos. IDS028118, City of Caldwell, IDS028185, ACHD Att: Final §401 Water Quality Certification for NPDES Permits IDS028118, City of Caldwell and IDS028185, Ada County Highway District, August 20, 2009

E: Draft NPDES Permit & Associated Documents

EPA Record Exhibit	Date	Document Description
E-1	7/3/08	Letter from Michael Lidgard, NPDES Permits Unit Manager, EPA, to Larry Osgood, City of Caldwell, re: City of Caldwell MS4, NPDES Permit No. IDS028118, Public Notice Expiration Date September 19, 2008
E-2	7/11/08	Draft NPDES Permit for City of Caldwell MS4, NPDES Permit No. IDS028118
E-3	7/11/08	Fact Sheet for NPDES Permit for City of Caldwell MS4, NPDES Permit No. IDS028118
E-4	7/11/08	Public Notice of Comment Period for Proposed Issuance of Eight NPDES Permits to Discharge Stormwater to Waters of the United States and Notice of State Certifications
E-5	7/11/08	Affidavit of Publication, Notice of Public Comment Period on Eight NPDES Permits for Municipal Stormwater Discharges, Idaho Press Tribune

F: Requests for Extension of Public Comment Period

EPA Record Exhibit	Date	Document Description
F-1	8/8/208	Letter from Garret Nancolas, Mayor, City of Caldwell, to Manager, NPDES Permit Unit, EPA, re: MS4 Draft Permit No. IDS028118: Proposal for Extension of Comment Period
F-2	8/26/08	Letter from Michael Lidgard, NPDES Permits Unit Manager, EPA, to the Honorable Mayor Garret Nancolas, re: Comment Period Extension for Proposed Storm Water Discharge Permit, City of Caldwell MS4, NPDES Permit #IDS028118
F-3	9/2/08	Public Notice of Extension to Comment Period for Proposed Issuance of Eight NPDES Permits to Discharge Stormwater to Waters of the United States and Notice of State Certifications
F-4	9/14/08	Proof of Publication, Notice of Extension of the Public Comment Period on Eight NPDES Permits, Published on Sept. 2, 2008, Idaho Statesman

EPA Record Exhibit	Date	Document Description
F-5	11/12/08	Affidavit of Publication, Notice of Extension of the Public Comment Period on Eight NPDES Permits, Published on Sept. 2, 2008, Idaho Press Tribune

G: Public Comments & Public Hearings

EPA Record Exhibit	Date	Document Description
G-1	7/2/08	Updated EPA Briefing Paper/Handout for Public Hearings, Draft NPDES Permits for Municipal Storm Water Discharges within the Boise and Nampa Urbanized Areas
G-2	8/08	Proposed Permits for Municipal Stormwater Discharges within the Boise and Nampa Urbanized Areas, EPA Power Point Presentation
G-3	8/13/08	Agenda for Public Meeting and Hearing at Caldwell Police Station, Caldwell, Idaho
G-4	8/13/08	Participant Sign In Sheet for Caldwell Permit, et al., Meeting and Hearing—Caldwell Police Station
G-5	8/13/08	Public Hearing Speaker Signup List—Caldwell Police Station
G-6	8/14/09	Agenda for Public Meeting and Hearing at Boise Public Library, Boise, Idaho
G-7	8/14/08	Participant Sign In Sheet for Caldwell Permit, et al., Meeting and Hearing – Boise Public Library
G-8	8/13/08 & 8/14/08	Public Hearing Transcripts
G-9	10/20/08	Letter from Scott Campbell, Moffatt Thomas, to Misha Vakoc, EPA, re: Pioneer Irrigation District Comments on NPDES Permit Number IDS028118
G-10	10/30/08	Letter from Ralph Gant, Nampa Highway District #1, to Manager, NPDES Permits Unit, EPA, re: MS4 Draft Permit #IDS028142 Nampa Highway District No 1 Comments
G-11	10/31/08	Letter from Darin Taylor, Canyon Highway District #4, to Manager, NPDES Permits Unit, EPA, re: MS4 Draft Permit #IDS028134 Comments
G-12	11/3/08	Letter from Tom Dale, City of Nampa, to Manager, NPDES Permits Unit, EPA, re: City of Nampa Comments on the Draft NPDES Permit for Storm Water Discharges for the City of Nampa, Permit # IDS028126
G-13	11/13/08	Letter from Dave Jones, Idaho Transportation Department District 3, to Misha Vakoc, EPA, re: NPDES MS4 Permit #IDS028177, Comments
G-14	11/17/08	Letter from Vicki Thurber, City of Middleton, to Manager, NPDES Permits Unit, EPA, re: MS4 Draft Permit #IDS028100 – City of Middleton, Idaho

EPA Record Exhibit	Date	Document Description
G-15	11/17/08	Email from Sherill Doran, CH2MHill, to Misha Vakoc, EPA, Subject: Lower Boise Watershed Council Comments on Lower Boise Phase II MS4 Stormwater Permits, transmitting Comments on Multiple Draft NPDES Permits for Small MS4s in the greater Nampa and Boise Urbanized Areas
G-16	11/18/08	Letter from J. Schweitzer, ACHD, to Manager, NPDES Permits Unit, EPA, re: Comments on NPDES Stormwater Phase II MS4 Draft Permit #IDS028185
G-17	11/18/08	Email from Gaydawn Oyler, AIC, to Misha Vakoc, EPA, Subject: Comment Letter, transmitting AIC's Comments on Multiple Draft NPDES Permits for Small MS4s in the greater Nampa and Boise Urbanized Areas
G-18	11/18/08	Letter from Garret Nancolas, Mayor, City of Caldwell, to Misha Vakoc, EPA and Pete Wagner, IDEQ, re: City of Caldwell Comments on NPDES Permit No. IDS028118

H: Final Permit Documents

EPA Record Exhibit	Date	Document Description
H-1	Undated	Interested Parties Mailing List
H-2	9/09	Response to Comments on Proposed Permit – NPDES Permit for City of Caldwell MS4 NPDES Permit No. IDS028118
H-3	9/4/09	Letter from Michael Bussell, Director, Office of Water and Watersheds, EPA Region 10, to Commenters, re: City of Caldwell MS4 NPDES Permit No. IDS028118
H-4	9/4/09	Letter from Michael Bussell, Director, Office of Water and Watersheds, EPA Region 10, to Larry Osgood, City of Caldwell, Re: City of Caldwell MS4 NPDES Permit No. IDS028118
H-5	9/4/09	Final NPDES Permit for City of Caldwell MS4, NPDES Permit No. IDS028118

ACRONYMS

ACHD:	Ada County Highway District
AIC:	Association of Idaho Cities
BMP:	Best Management Practices
CVRWQCB:	Central Valley Regional Water Quality Control Board (California)
EFH:	Essential Fish Habitat
EPA:	U.S. Environmental Protection Agency
ESA:	Endangered Species Act
GAO:	U.S. Government Accountability Office
IDEQ	Idaho Department of Environmental Quality
LID:	Low Impact Development
MS4:	Municipal Separate Storm Sewer System
NPDES:	National Pollutant Discharge Elimination System
SWMP:	Storm Water Management Program

ACRONYMS (CONT.)

TMDL: Total Maximum Daily Load
WLA: Waste Load Allocation