



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

NOV 20 2009

OFFICE OF  
WATER AND WATERSHEDS

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ENVIR. APPEALS BOARD

RECEIVED  
U.S. E.P.A.

Ms. Jackie Fields  
City Engineer  
City of Twin Falls  
P.O. Box 1907  
Twin Falls, Idaho 83303-1907

Re: Notification of Stayed Permit, City of Twin Falls, NPDES Permit No. ID-002127-0

Dear Ms. Fields:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permit was issued to the City of Twin Falls (City) on September 22, 2009. In letters dated October 26, 2009, and October 28, 2009, the Environmental Appeals Board (EAB) notified EPA that the City and Idaho Conservation League (ICL) filed petitions for review of NPDES Permit No. ID-002127-0 (Permit) (Appeal Nos. NPDES 09-12 and 09-13). This letter serves as notification pursuant to 40 C.F.R. § 124.16(a)(2) of those permit conditions that are stayed as a result of the filed petitions for review.

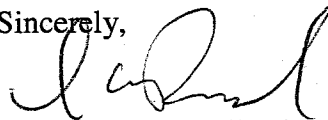
The following contested conditions of NPDES Permit No. ID-002127-0 are stayed until final agency action under 40 C.F.R. § 124.19(f):

- Section I.B.1: "The permittee may engage in pollutant trading for average monthly discharges of total phosphorus pursuant to the requirements in 'State of Idaho Department of Environmental Quality Pollutant Trading Guidance' (November 2003 draft). No trading is allowed to adjust discharges to meet average weekly limits or for other pollutants. This permit only authorizes trading with other point sources in Segments 1, 2, and 3 in the Middle Snake River watershed that have NPDES permits that authorize trading. Trading with non-point sources is not authorized. See Appendix A for details about the requirements for buying and selling pollutant credits and reporting such trades to EPA and the Idaho Department of Environmental Quality (IDEQ)."
- Section I.B.2, Table 1: The final mass-based total suspended solids (TSS) limits in Table 1 are stayed. These mass limits are an average monthly effluent limit of 980 lbs/day and an average weekly effluent limit of 1,390 lbs/day. Until this appeal is resolved, the City must comply with the TSS concentration-based effluent limits, the TSS mass-based interim effluent limits, and the TSS percent removal requirements set forth in the Permit.

- Section I.B.2, Table 1, note 5: "The final mass based limits for TSS apply as soon as possible but no later than June 30, 2014."
- Section I.C: The compliance schedule for meeting the final total suspended solids mass-based limits is stayed.
- Appendix A (Pollutant Trading in the Upper Snake Rock Subbasin) is stayed.

The remainder of the NPDES permit conditions are uncontested and severable from the contested conditions, and, in accordance with 40 C.F.R. § 124.16(a)(2), will become fully effective and enforceable 33 days after the date this notice is mailed. Please feel free to contact Sharon Wilson at (206) 553-0325 should you have questions regarding this letter.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

cc: Clerk of the Environmental Appeals Board  
Mr. Fritz Wonderlich, Wonderlich & Wakefield  
Mr. Justin Hayes, Idaho Conservation League  
Mr. Balthasar Buhidar, IDEQ Twin Falls  
Mr. Marti Bridges, IDEQ