



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

August 12, 2019

Via Electronic Filing

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

Re: City of Nezperce, Idaho
Appeal No. NPDES 19-02

Dear Ms. Durr:

Enclosed please find the EPA Region 10's Notification of Stayed Permit Conditions, in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

A handwritten signature in blue ink, appearing to read "Courtney J. Weber", is written over a horizontal line.

Courtney J. Weber
Assistant Regional Counsel

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

WATER DIVISION

August 5, 2019

Reply to
Attn of: 19-H16

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

The Honorable Steve A. Bateman, Mayor
City of Nezperce
PO Box 367
Nezperce, Idaho 83543

Re: Notification of Stayed Permit Conditions
National Pollutant Discharge Elimination System (NPDES) Permit, Permit No. ID0020397

Dear Mayor Bateman:

The above-referenced NPDES Permit No. ID0020397 (Permit) was issued to the City of Nezperce (City) on June 25, 2019. The Permit authorizes discharges from the City's wastewater treatment system from Outfall 001 into Long Hollow Creek.

On July 26, 2019, the City filed a Petition for Review of the Permit (Appeal No. NPDES 19-02). This letter serves as notification pursuant to 40 CFR § 124.16(a)(2) of those permit conditions that are stayed as a result of the filed Petition for Review. The following contested conditions of the Permit are stayed until final agency action under 40 CFR § 124.19(l):

- The effluent limitations for ammonia in Permit Part I.B.

The remainder of the Permit conditions are uncontested and severable from the contested conditions, thus, in accordance with 40 CFR § 124.16(a)(2), will become fully effective and enforceable thirty-three (33) days after the date this notice is mailed. Please feel free to contact Cindi Godsey, of my staff, at (206) 553-1676, or by email at godsey.cindi@epa.gov should you have questions regarding this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel D. Opalski", is written over the typed name.

Daniel D. Opalski
Director

cc: Environmental Appeals Board
Mr. Matthew Nykiel, Conservation Associate – Idaho Conservation League (via electronic mail)
Ms. Alicia Helfrick, Water Resources Specialist, Nez Perce Tribe (via electronic mail)
Mr. Craig D. Cardwell, Operator – City of Nezperce (via electronic mail)
Mr. John Cardwell, DEQ Regional Administrator: Lewiston Regional Office (via electronic mail)

CERTIFICATE OF SERVICE

I certify that the foregoing "Notification of Stayed Permit Conditions" was sent to the following persons, in the manner specified, on the date below:

By electronic filing to:

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

By U.S. Certified Mail to (mailed Aug. 5, 2019):

Honorable Steve A. Bateman, Mayor
City of Nezperce
PO Box 367
Nezperce, Idaho 83543

By electronic mail to:

Fredric P. Andes
Erika K. Powers
Barnes & Thornburg LLP
1 North Wacker Drive, Suite 4400
Chicago, IL 60606
fandes@btlaw.com
erika.powers@btlaw.com

DATED: August 12, 2019



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