



Idaho Department of Environmental Quality  
**DRAFT §401 Water Quality Certification**

July 1, 2011

NPDES Permit Number: City of Priest River Wastewater Treatment Plant, **ID-002080-0**

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et.seq., and 39-3601 et.seq., the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollutant Discharge Elimination System (NDPES) permits and issue water quality certification decisions.

Based upon its review of the above-referenced permit and associated Fact Sheet, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the discharge will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of State law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

**MIXING ZONES**

Pursuant to IDAPA 58.01.02.060, DEQ authorizes a mixing zone that utilizes up to 25% of the critical flow volumes of the Pend Oreille River for chlorine and ammonia.

**ANTIDEGRADATION**

Idaho's antidegradation policy (IDAPA 58.01.02.051.01) requires that existing uses and the water quality necessary to protect the existing uses shall be maintained and protected (Tier 1 protection). In addition, where water quality is better than that required to maintain beneficial uses, then DEQ must assure that no degradation will occur, unless after intergovernmental coordination and public participation, degradation is deemed necessary to accommodate important economic or social development in the area in which the waters are located (Tier 2 protection).

The City of Priest River discharges its treated wastewater to the Pend Oreille River (assessment unit ID17010214PN001\_08 Priest River to Albeni Falls Dam). Because this assessment unit is not fully supporting its cold water aquatic life or primary contact recreation beneficial uses, DEQ is providing Tier 1 protection for aquatic life and contact

recreation beneficial uses (see the attached *Antidegradation Review* document for a more detailed discussion).

The effluent limitations in the draft permit for the City of Priest River are set at levels that ensure the State's numeric and narrative criteria and other WQS provisions will be met. The numeric and narrative criteria are set at levels which protect and maintain designated and existing beneficial uses. Therefore, in accordance with IDAPA 58.01.02.051.01, the limits in the draft permit protect and maintain designated and existing beneficial uses in the Pend Oreille River.

**CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH WATER QUALITY STANDARDS OR OTHER APPROPRIATE WATER QUALITY REQUIREMENTS OF STATE LAW**

1. The City of Priest River must conduct in accordance with Part I.B. of their NPDES permit, weekly effluent sampling (8-hour composite) for total nitrogen using EPA approved method ASTM D5176 or other EPA approved method for determination of total nitrogen concentration.
2. The City of Priest River must conduct, in accordance with Part I.C. of their NPDES permit, surface water sampling (grab sample) for total nitrogen using EPA approved method ASTM D5176 or other EPA approved method for determination of total nitrogen concentration.
3. The City of Priest River must compile effluent data for total phosphorus, total nitrogen and flow, and report, both in tabular and graphic form, weekly loading of these nutrients over the term of this permit. Surface water monitoring data shall also be reported using the same format. The report shall be submitted to EPA and DEQ at the time of permit application renewal.
4. The certification is conditioned upon the requirement that any material modification of this permit or the permitted activities including without limitation, any modifications of the permit to reflect new or modified TMDL waste load allocations or other new information, shall first be provided to DEQ for review to determine compliance with WQS and to provide additional certification pursuant to section 401.

**RIGHT TO APPEAL FINAL CERTIFICATION**

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this certification should be directed to June Bergquist, DEQ (Coeur d'Alene Regional Office) at (208) 666-4605.

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Daniel Redline  
Regional Administrator  
Coeur d'Alene Regional Office