



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

February 22, 2011

NPDES Permit Number: **ID-002127-0** City of Twin Falls Wastewater Treatment Plant – Permit Modification

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), the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollution Discharge Elimination System (NPDES) permits and issue a water quality certification decision.

DEQ has reviewed the preliminary draft NPDES permit modification and associated fact sheet for the above-referenced facility. Based upon its review and consideration of this information, DEQ certifies that if the permittee complies with the terms and conditions imposed by the above-referenced permit, with its proposed modifications along with the conditions set forth in this certification as well as the original final 401 Certification (September 11, 2009)¹, then there is reasonable assurance the discharge(s) 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.

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

TSS Offset Implementation Project

The proposed permit modifications for the total suspended solids (TSS) mass-based effluent limitations are as follows:

- Increase the average monthly limit from 980 lbs/day to 2142 lbs/day, and
- Increase the average weekly limit from 1390 lbs/day to 3213 lbs/day.

To ensure compliance with the *Upper Snake Rock Subbasin TMDL (2000 & 2005) City of Twin Falls TSS Revision* (DEQ, 2011), the City of Twin Falls shall implement projects to reduce at least 733 tons/year of TSS from nonpoint sources that contribute TSS to the Snake River. The City of Twin Falls shall implement these projects in accordance with the January 24, 2011 *DEQ and City of Twin Falls Agreement Regarding TSS Projects* (Attachment 1, which is hereby

¹ This certification of the NPDES permit modification to the TSS effluent limitations effectively nullifies the TSS compliance schedule condition in the September 11, 2009 final certification.

incorporated by reference as a condition of this certification).

ANTIDegradation

Idaho's antidegradation policy (IDAPA 58.01.02.051) requires that existing uses of all waters in the state and the level of water quality necessary to protect those uses be maintained (Tier I protection). In addition, where the quality of water is better than that required to maintain beneficial uses (the water body is considered "high quality"), then DEQ must assure that no degradation will be allowed unless it is deemed to be necessary to accommodate important economic or social development (Tier II protection).

Because this certification is solely concerned with the modification of the mass-based TSS effluent limitations, DEQ will only evaluate whether the modification complies with Idaho's antidegradation policy.

The City of Twin Falls discharges its treated wastewater to the Snake River (assessment unit ID17040212SK019_07), which is impaired for sediment. This segment of the Snake River is a Tier 1 water body for antidegradation purposes. The *Upper Snake Rock Subbasin TMDL (2000 & 2005) City of Twin Falls TSS Revision ("TMDL Revision")* addresses TSS and was submitted to EPA for approval on January 11, 2011. This *TMDL Revision* establishes a TSS wasteload allocation and associated offset requirements for the City of Twin Falls that are designed to ensure the Snake River will achieve the quality necessary to support its existing and designated beneficial uses and comply with the narrative sediment criterion.

The TSS effluent limitations in the proposed permit modification for the City of Twin Falls comply with the TMDL, and thus are set at levels that ensure the State's narrative sediment criterion will be met. Therefore, the TSS limits in the proposed permit modification will protect and maintain the applicable designated and existing beneficial uses in the Snake River.

OTHER CONDITIONS

This certification is conditioned upon the requirement that any material modification of the permit or the permitted activities, including without limitation, any modifications of the permit to reflect new or modified TMDLs, wasteload allocations, site specific criteria, variances, or other new information, shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to §401.

This certification is contingent upon EPA approval of the TMDL revision. DEQ will withdraw this certification if EPA does not approve of the TMDL revision.

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 Dr. Balthasar Buhidar, DEQ (Twin Falls Regional Office) at (208) 736-2190.

DRAFT

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