



FACT SHEET

NPDES Permit Number: ID-002271-3
Public Notice Date:
Public Notice Expiration Date:
Technical Contact: Susan Poulsom 206 553-6258 or
1-800-424-4372 (within Region 10)
poulsom.susan@epa.gov

The U.S. Environmental Protection Agency (EPA) Proposes to Modify the Wastewater Discharge Permit for:

City of Worley, Idaho
Wastewater Treatment Plant

EPA Proposes NPDES Permit Modification

EPA proposes to modify a National Pollutant Discharge Elimination System (NPDES) permit to the City of Worley Wastewater Treatment Plant. This fact sheet includes:

- information on public comment, public hearing, and appeal procedures
- technical material supporting the conditions in the permit modification

401 Certification.

The City of Worley Wastewater Treatment Plant discharges to waters of the Coeur d'Alene Tribe. EPA will certify this permit modification, since the Tribe does not have certification authority for Rock Creek.

Public Comment

The EPA will consider all substantive comments before modifying the final permit. Those wishing to comment on the draft permit modification or request a public hearing may do so in writing by the expiration date of the Public Notice. All comments should include name, address, phone number, a concise statement of basis of comment and relevant facts upon which it is based. A request for public hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All written comments should be addressed to the Office of Water and Watersheds Director at U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, OWW-130, Seattle, WA 98101; submitted by facsimile to (206) 553-0165; or submitted via e-mail at poulsom.susan@epa.gov.

After the Public Notice expires and all significant comments have been considered, EPA's Regional Director for the Office of Water and Watersheds will make a final decision regarding

permit modification. If no comments requesting a change in the draft permit modification are received, the tentative conditions in the draft permit modification will become final, and the permit modification will become effective upon issuance. If significant comments are received, the EPA will address the comments and issue the permit modification along with a response to comments. The permit modification will become effective 33 days after the issuance date, unless a request for an evidentiary hearing is submitted within 33 days.

Documents are Available for Review

The draft NPDES permit modification and related documents can be reviewed or obtained by visiting or contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (See address below).

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Suite 900
OWW-130
Seattle, Washington 98101
(206) 553-0523 or
1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

The fact sheet and draft permit modification are also available at:

Idaho DEQ, Coeur d'Alene Regional Office
2110 Ironwood Pkwy
Coeur d'Alene, ID 83814
(208) 769-1422

I. APPLICANT

City of Worley
NPDES Permit No. ID 002271-3

Facility Location:
South 29401 B Street
Worley, Idaho 83876

Facility Mailing Address:
P.O. Box 219
Worley, Idaho 83876

II. INTRODUCTION

The City of Worley (City) was reissued an NPDES permit (effective December 1, 2003) that authorized discharge during the months of January through April to Rock Creek, provided the flow in Rock Creek provides a dilution ratio of at least 10:1. The seasonal discharge was based on information in the permit application which stated that the facility discharges during the months of January and March. No comments were received on the permit during the public comment period.

On March 13, 2008, the City sent a letter requesting a permit modification to begin discharging on September 1st instead of January 1st; or alternatively to discharge year round provided there is at least a 10:1 dilution in Rock Creek. The letter stated that the treatment system was designed under the assumption that the facility would be allowed to discharge eight months of the year. The lagoons do not have adequate storage capacity to limit the discharge to only four months of the year.

The regulations at 40 CFR §122.62 allow NPDES permits to be modified for cause. In this case, the cause for modification is new information that was not available at the time of the permit issuance and that would have justified the application of different permit conditions at the time of permit issuance (40 CFR §122.62(a)(2)). Therefore, this permit is being modified in accordance with the requirements of 40 CFR §124.5. When a permit is modified, only the conditions subject to modification are reopened.

The permit is modified to allow an 8-month discharge during the period of November 1st through June 30th.

III. BACKGROUND

The previous permit allowed an 8-month discharge (from December 1st through July 31st), provided that the flow in Rock Creek provided a dilution ratio of at least 10:1. The basis for the

8-month discharge period in the previous permit was because the treatment plant was sized to discharge during an 8-month period and to limit the discharge during the period of the lowest receiving water flow.

IV. DISCUSSION

The permit is modified to allow an 8-month discharge during the period of the highest receiving water flow. This provides the highest dilution. There is not year-round flow data available for Rock Creek. In its March 2008 letter, the City requested an 8-month discharge period beginning September 1st. It is EPA's belief that the highest 8-month flow period for the receiving water occurs from November 1st through June 30th. This assumption is based on a review of monthly measured flow data for a larger nearby river (St. Joe River USGS Station 12415140 near Chatcolet, ID) and discussion with the Coeur d'Alene Tribe. In developing the conditions of the permit modification, EPA verified with the City of Worley, that a discharge period beginning in November would accommodate the design needs of the treatment plant.

The existing permit includes technology-based effluent limits for Total Suspended Solids (TSS) and Biological Oxygen Demand (BOD), and water quality-based effluent limits for chlorine, *E. coli*, and pH. The time frame, during which the facility discharges, has no impact on the technology-based effluent limits.

An NPDES permit must ensure that the discharge from the facility complies with the State or Tribal water quality standards. Water quality-based effluent limits are developed to protect the receiving water during critical conditions, which occur during the lowest flows in the receiving water and the highest effluent flows. In the existing permit, the water quality-based effluent limits are based on providing a minimum dilution in the receiving water of 10:1 and the design flow of the facility. The requirement to have a minimum dilution of 10:1 in the receiving water is retained in the permit. Therefore, the effluent limits in the existing permit will be protective and no revisions to the water quality-based effluent limits are required for this permit modification.

V. PERMIT MODIFICATION

Page 5 of the permit is modified to replace the words "January through April", with "November 1st through June 30th"

VI. OTHER LEGAL REQUIREMENTS

A. ENDANGERED SPECIES ACT

The Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species. A biological evaluation (BE) analyzing the effects of the discharge from the facility on listed endangered and threatened

species in the vicinity of the facilities was prepared for the 2004 permit. The BE determined that issuance of the permits will not affect any of the threatened or endangered species in the vicinity of the discharge. EPA has determined that this modification to the permit will not affect any of the threatened or endangered species in the vicinity of the discharge.

B. ESSENTIAL FISH HABITAT

Essential fish habitat (EFH) is the waters and substrate (sediments, etc.) necessary for fish to spawn, breed, feed, or grow to maturity. The Magnuson-Stevens Fishery Conservation and Management Act (January 21, 1999) requires EPA to consult with the National Marine Fisheries Service (NMFS) when a proposed discharge has the potential to adversely affect (reduce quality and/or quantity of) EFH. The EPA has tentatively determined that the modification of this permits will not affect any EFH species in the vicinity of the discharges, therefore consultation is not required for this action.

C. STATE CERTIFICATION

Section 401 of the Clean Water Act requires EPA to seek State/Tribal certification before issuing a final permit modification. As a result of the certification, the State/Tribe may require more stringent permit conditions or additional monitoring requirements to ensure that the permit complies with water quality standards.

The City of Worley Wastewater Treatment Plant discharges to waters of the Coeur d'Alene Tribe. EPA will certify this permit, since the Tribe does not have certification authority for Rock Creek. EPA solicited input from the Coeur D'Alene Tribe in the development of the permit modification. The Tribe reviewed the permit modification and provided input prior to public notice.

D. PERMIT EXPIRATION

The permit will expire on December 1, 2008 (five years from the effective date of the December 1, 2003).