Fact Sheet

U.S. Environmental Protection Agency
Region 10

The United States Environmental Protection Agency (EPA)
Plans to **Re-issue** a
National Pollutant Discharge Elimination System (NPDES) Permit to:

Applicant: City of Soda Springs WWTP
500 Big Spring Road
Soda Springs, Idaho

Permit Number: ID-002081-8

Public Comment Period

Starts: July 12, 2001
Ends: August 13, 2001

Technical Contact

Name: Kristine Koch
Phone: (206)553-6705
1-800-424-4372 ext. 6705 (within Alaska, Idaho, Oregon, and Washington)
Email: koch.kristine@epa.gov

EPA's Tentative Determination

EPA proposes to re-issue an NPDES permit to the City of Soda Springs. The draft permit places conditions on the discharge of pollutants from the Waste Water Treatment Plant to the Bear River. In order to ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged.

This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures;
- a description of the facility and the current discharge;
- a listing of past and proposed effluent limitations, and other conditions;
- a map and description of the discharge location; and
- detailed technical material supporting the conditions in the permit.

Public Comment and Public Hearings

Persons wishing to comment on the tentative determinations contained in the draft permit must do so, in writing, by the end date of this public comment period. All comments should include the name, address, and telephone number of the commenter, reference the facility name and NPDES permit number, and include a concise statement of the exact basis of any comment and the relevant facts upon which it is based.

Persons wishing to request that a public hearing be held may do so, in writing, by the end date of this public comment period. A request for a public hearing must state the nature of the issues to be raised, reference the facility name and NPDES permit number, and include the requester's name, address, and telephone number.

All written comments and requests should be submitted to the attention of the Director, Office of Water at the following address:

U.S. EPA, Region 10
1200 Sixth Avenue, M/S OW-130
Seattle, Washington 98101

Comments may also be submitted electronically to the technical contact listed above.

After the Public Notice expires, and all comments have been considered, EPA's Director for the Office of Water in Region 10 will make a final decision regarding permit re-issuance. If no significant comments are received, the tentative conditions in the draft permit will become final, and the permit will become effective upon issuance. If comments are received, EPA will address the comments and issue the permit. The permit will become effective 30 days after the issuance date, unless the permit is appealed to the Environmental Appeals Board within 30 days.

Availability of Documents

The following documents are available at the EPA Region 10 Office, 1200 Sixth Ave, Seattle, Washington, between 8:30 a.m. and 4:00 p.m., Monday through Friday:

- permit application and any supporting data submitted by the permittee
- draft permit
- fact sheet
- documents referenced in fact sheet
- other documents (e.g., meeting reports, correspondence, trip reports, telephone memos, calculations, etc.)

Copies of the draft permit and fact sheet are also available at:

EPA Region 10 website: **www.epa.gov/r10earth.htm**

EPA Idaho Operations Office
1435 North Orchard Street
Boise, Idaho 83706
(206)378-5746

State Certification

EPA is requesting that the Idaho Department of Environmental Quality certify this NPDES permit for the City of Soda Springs WWTP, under section 401 of the Clean Water Act.

Persons wishing to comment on the State's intent to certify this permit should submit written comments by the end date of this public comment period to the Administrator of IDEQ, with a copy to EPA, at the following address:

Administrator, State of Idaho
Department of Environmental Quality
Pocatello Regional Office
224 South Arthur
Twin Falls, Idaho 83301

TABLE OF CONTENTS

LIST OF TABLES

I. APPLICANT

Facility Name:	City of Soda Springs WWTP
NPDES Permit Number:	ID-002081-8
Facility Location Address:	500 Big Spring Road Soda Springs, Idaho
Facility Mailing Address:	9 West 2nd South Soda Springs, Idaho 83276
Facility Contact:	W. Lee Godfrey Director of City Services
Contact Phone Number:	(208) 547-2600
Contact Email Address:	lgodfrey@sodaspringsid.com

II. FACILITY INFORMATION

A. Facility Description

The city of Soda Springs is located in the Bear River Basin, Caribou County, Idaho. The city owns and operates a municipal wastewater treatment plant (WWTP) that provides secondary treatment and disinfection of wastewater prior to discharge in the Bear River. The facility currently serves a population of 3,381.

The WWTP receives domestic wastewater from residential and commercial sources. The WWTP also accepts domestic hauled waste (e.g., liquid or solid material removed from a septic tank, cesspool, holding tank, etc.). The collection system has no combined stormwater/sanitary wastewater sewers.

A map has been included in Appendix A which shows the location of the treatment plant and the discharge location(s).

The Soda Springs WWTP utilizes a 1.7 mgd activated sludge system. The facility consists of the following unit operations: aerated grit chamber, comminuter, primary clarifier, activated biofilter tower, contact stabilization tank, secondary clarifier, and chlorine contact chamber. In addition, the treatment of sludge generated at this facility consists of the following unit operations: gravity sludge thickener, primary digester, secondary digester with floating lid, and drying beds. Currently, the WWTP does not have an emergency power supply, but the plant is

designed to give primary treatment and chlorination with gravity flow through the plant during power outage.

A process flow diagram has been included in Appendix B which shows the processes of the treatment plant, including all bypass piping and all redundancy in the system.

B. Background Information

1. Compliance history. A review of the facility's Discharge Monitoring Reports[1] and Compliance Inspection Reports for the past five years indicates that the facility has generally been in compliance with its permit effluent limits.

2. Permit History. The current permit expired on December 27,1995, however, the expired permit has continued in force under 5 U.S.C. 588(c) until the effective date of a new permit.

III. RECEIVING WATER

A. Outfall Location(s)

The treated effluent from the city of Soda Springs WWTP is discharged from outfall 001, located at latitude N 42°38′46″ and longitude W 111°36′34″, to the Bear River at approximate river mile 200.

B. Description of Receiving Water

The Bear River is located in the Bear River hydrologic basin (HUC 16010201). The river flows from its headwaters in the high Uintas Wilderness Area in northeastern Utah, meanders approximately 500 miles in and out of Utah, Wyoming and Idaho, and eventually returns to Utah, emptying into the Great Salt Lake only 90 miles from its place of origin. The Bear River forms a completely enclosed watershed known as the Bear River Basin.

The Bear River flows into the Soda Point Reservoir approximately 3 miles downstream of the discharge from this facility. Statistical analysis of available flow information for this segment of the Bear River indicate a 7Q10 flow of 77 cubic feet per second (cfs) and a 1Q10 flow of 68 cfs. This information was obtained from a USGS gage station (#10075000) located on the Bear River 800

[1]Discharge monitoring reports are forms that the facility uses to report the results of self-monitoring.

feet upstream from the Bailey Creek Road bridge and two miles south of Soda Springs.

The confluence of Big Spring Creek and Little Spring Creek with the Bear River is approximately 200 yards above the outfall, contributing flows of 10 cfs and 2 cfs, respectively. A major aquiculture facility discharges into Big Spring Creek, contributing high loads of nutrients and sediment. The main source of flow in Little Spring Creek is storm water runoff from the city of Soda Springs. This creek is also likely to be high is suspended solids.

C. Water Quality Standards

The State's water quality standards are composed of use classifications, numeric and/or narrative water quality criteria, and an anti-degradation policy. The use classification system designates the beneficial uses that each water body is expected to achieve (such as cold water biota, contact recreation, etc.). The numeric and/or narrative water quality criteria are the criteria deemed necessary by the State to support the beneficial use classification of each water body. The anti-degradation policy represents a three tiered approach to maintain and protect various levels of water quality and uses.

The Idaho *Water Quality Standards and Wastewater Treatment Requirements* (IDAPA 58.01.02.160.02.B-2) protect the Bear River for the following beneficial use classifications: cold water aquatic life, salmonid spawning, primary contact recreation, agricultural water supply, wildlife habitats, and aesthetics.

The Bear River is a tier 1 water body, therefore, water quality should be such that it results in no mortality and no significant growth or reproductive impairment of resident species. An NPDES permit cannot be issued that would result in the water quality criteria being violated in the water body. The draft permit contains effluent limits which ensures that the existing beneficial uses for the Bear River will be maintained.

The criteria that the state of Idaho has deemed necessary to protect the beneficial uses for the Bear River and the State's anti-degradation policy are summarized in Appendix C.

D. Water Quality Limited Segment

A water quality limited segment is any water body, or definable portion of a water body, where it is known that water quality does not meet applicable water quality standards. The state of Idaho has listed this segment of the Bear River as limited

for nutrients and sediment, which are both pollutants of concern with this discharge.

Section 303(d) of the Clean Water Act (CWA) requires states to develop a Total Maximum Daily Load (TMDL) management plan for water bodies determined to be water quality limited. A TMDL documents the amount of a pollutant a water body can assimilate without violating a state's water quality standards and allocates that load to known point sources as waste load allocations (WLAs) and nonpoint sources as load allocations (LAs).

Until a TMDL has been developed by IDEQ and approved by EPA, the technology-based limitation for TSS will be considered protective of water quality standards and no limitations will be proposed for nutrients. The permittee will be required to monitor for nutrients, however, to assist in the TMDL development.

IV. PROPOSED EFFLUENT LIMITATIONS

A. Basis for Permit Effluent Limits

In general, the Clean Water Act requires that the effluent limits for a particular pollutant be the more stringent of either technology-based limits or water quality-based limits. A technology-based effluent limit requires a minimum level of treatment for municipal point sources based on currently available treatment technologies. A water quality-based effluent limit is designed to ensure that the water quality standards of a water body are being met. The basis for the proposed effluent limits in the draft permit are provided in Appendix D.

B. Proposed Effluent Limitations

Table 1 and the following list summarizes the effluent limitations that are in the draft permit:

1. The effluent pH values must be between 6.5 and 9.0 standard units (s.u.).

2. For BOD_5 and TSS, the monthly average effluent concentration must not exceed 15 percent of the monthly average influent concentration.

3. There must be no discharge of floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses.

Table 1: Proposed and Current Effluent Limitations for Outfall 001							
PARAMETER	UNITS	AVERAGE MONTHLY		AVERAGE WEEKLY		MAXIMUM DAILY	
		Proposed	Current	Proposed	Current	Proposed	Current
BOD_5	mg/l	30	30	45	45	---	---
	lbs/day	430	425	640	638	---	---
TSS	mg/l	30	30	45	45	---	---
	lbs/day	430	425	640	638	---	---
Fecal Coliform Bacteria	colonies/ 100 ml	---	100	200[1]	200	---	---
E. Coli Bacteria	organisms/ 100 ml	126[2]	---	---	---	406[3]	---
Total Ammonia as N	mg/l	2.1	---	---	---	2.8	---
	lbs/day	30	---	---	---	40	---
Total Residual Chlorine	mg/l	0.093	---	---	---	0.209	---
	lbs/day	1.3	---	---	---	3.0	---

Footnotes:
1 Based on the geometric mean of all samples collected during the week.
2 Based on the geometric mean of all samples collected during the month.
3 This limitation is for any single sample.

V. PROPOSED MONITORING REQUIREMENTS

A. Basis for Effluent and Receiving Water Monitoring

Section 308 of the Clean Water Act and federal regulation 40 CFR 122.44(i) require effluent monitoring in NPDES permits to determine compliance with effluent limitations. Section 308 also allows additional effluent and receiving water monitoring to gather data to determine if additional effluent limitations are required and/or to monitor effluent impacts on receiving water quality. The permittee is responsible for conducting the monitoring and for reporting results on Discharge Monitoring Reports to EPA.

B. Proposed Effluent Monitoring

1. Monitoring Frequency. Monitoring frequencies are based on the nature and effect of the pollutant, as well as a determination of the minimum sampling necessary to adequately monitor the facility's performance.

   EPA has developed interim guidance (EPA, 1996) to help determine if the frequency of effluent monitoring may be reduced from the requirements in

the permittee's existing permit. The guidance document allows EPA to use a statistical analysis of the permittee's historical effluent data to reduce unnecessary monitoring while at the same time maintaining a high level of environmental protection. Based in this guidance, and the compliance history of the facility for the last three years, it was found that the facility was not eligible for reductions in effluent monitoring. The monitoring frequencies proposed in the draft permit are the same as the monitoring frequencies in the current permit for all parameters, except fecal coliform bacteria and total residual chlorine.

Fecal coliform bacteria monitoring frequency has been changed from twice per week to 5 times per week during one week in the month. The change in the monitoring frequency is due to the changes made to the Idaho water quality standards. The proposed monitoring frequency is consistent with the Disinfection Requirements for Sewage Wastewater Treatment Plant Effluent in the Idaho water quality standards (IDAPA 58.01.02.420.05).

Total residual chlorine monitoring frequency has been changed from daily to 5 times per week to accommodate the work schedule of the treatment plant operators. This monitoring frequency will be sufficient to determine compliance with the effluent limitations for total residual chlorine.

2. New monitoring parameters.

   a. E. Coli Bacteria. The draft permit has new limitations for E. coli bacteria because the state of Idaho has replaced fecal coliform bacteria with E. coli bacteria in their water quality standards for primary contact recreation since the issuance of the City's current permit. Therefore, the permit requires monitoring of E. coli bacteria to determine compliance with the new limitations.

   b. Nutrients. The draft permit has included quarterly monitoring of nitrate+nitrite and total phosphorus to support the development of wasteload allocations in the TMDL being developed for this segment of the Bear River. This data will also be used to support the development of permit limitations from the wasteload allocations specified in the TMDL.

   c. Metals and cyanide. The City of Soda Springs accepts wastes transported to the WWTP by waste haulers. Pollutants in hauled waste are usually more concentrated than in typical domestic wastewater. The *Guidance Manual for the Control of Wastes Hauled to Publicly Owned Treatment Works* (EPA-833-B-98-003)

identifies arsenic, cadmium, copper, lead, nickel, silver, and zinc as pollutants of concern for this waste. The draft permit is proposing that the facility monitor these metals twice per year within 24-hours of a waste hauler discharge into the headworks of the WWTP.

3. Table 2 presents the proposed effluent monitoring requirements for the draft permit.

C. Proposed Receiving Water Monitoring

Receiving water monitoring is needed to evaluate if the effluent is causing or contributing to an instream excursion of the water quality criteria. The current permit required the WWTP to establish monitoring stations upstream and downstream of the permitted outfall in consultation with IDEQ and EPA's Idaho Operations office in Boise. The upstream monitoring site is located approximately 1.2 miles above the outfall at the Baily Creek Bridge and the downstream monitoring site is located approximately 0.25 mile below the outfall at the Constitution Bridge. The EPA believes that these monitoring sites will provide representative instream water quality and are safely accessible.

The proposed receiving water monitoring requirements for the draft permit are provided in Table 3.

D. Basis for Influent Monitoring

1. Influent monitoring for BOD_5 and TSS is necessary to determine compliance with the 30-day percent removal requirements under 40 CFR 133.102.

2. The permittee has indicated that waste haulers are currently discharging to the POTW. While it may be acceptable for POTWs to receive domestic wastewater from waste haulers, the Soda Springs POTW should not accept nondomestic waste because it does not have permit-by-rule status, nor is it equipped to treat nondomestic or RCRA hazardous waste. Therefore, the POTW should only accept loads from waste haulers that transport domestic waste.

   In order to ensure that the wastes discharged to the POTW are domestic in nature, the draft permit is proposing that the POTW require all waste haulers to submit signed manifests that indicate the source of the waste (i.e., the customer) is domestic waste. Additionally, the draft permit proposes that the permittee sample and analyze the waste discharge to the

POTW from a waste hauler for metals and submit the results to EPA along with a copy of the manifest supplied by the waste hauler. This will assist EPA in determining if future permit requirements are necessary to ensure that the hauled waste does not contain hazardous waste and is not causing upsets to the treatment process.

VI. SPECIAL CONDITIONS

A. Quality Assurance Plan (QAP)

The federal regulation at 40 CFR 122.41(e) requires the permittee to develop and submit a Quality Assurance Plan to ensure that the monitoring data submitted is accurate and to explain data anomalies if they occur. The permittee is required to develop and submit a Quality Assurance Plan within 90 days of the effective date of the final permit. The Quality Assurance Plan must consist of standard operating procedures the permittee must follow for collecting, handling, storing and shipping samples, laboratory analysis, and data reporting.

B. Best Management Practices (BMP) Plan

Section 402 of the Clean Water Act and federal regulations 40 CFR 122.44(k)(2) and (3) authorize EPA to require best management practices, or BMPs, in NPDES permits. BMPs are measures for controlling the generation of pollutants and their release to waterways. For municipal facilities, these measures are typically included in the facility's Operation & Maintenance (O&M) manual. These measures are important tools for waste minimization and pollution prevention.

The draft permit requires the City of Soda Springs WWTP to incorporate appropriate BMPs into their O&M manual within 180 days of permit issuance. Specifically, the WWTP should consider spill prevention and control, optimization of chlorine and other chemical use, public education aimed at controlling the introduction of household hazardous materials to the sewer system, and water conservation. To the extent that any of these issues have already been addressed in the facility's current O&M manual, the WWTP need only reference the O&M manual in the BMP plan. The BMP plan must be revised as new practices are developed for the facility.

Table 2: Proposed and Current Effluent Monitoring for Outfall 001							
PARAMETER	**UNITS**	**LOCATION**		**SAMPLE FREQUENCY**		**SAMPLE TYPE**	
		Proposed	**Current**	**Proposed**	**Current**	**Proposed**	**Current**
BOD_5	mg/l	influent & effluent[1]	influent & effluent[1]	twice per week	2/week	24-hour composite	24-hour composite
	lbs/day	effluent	influent & effluent[1]	twice per week	2/week	calculation[2]	calculation[2]
TSS	mg/l	influent & effluent[1]	influent & effluent[1]	twice per week	2/week	24-hour composite	24-hour composite
	lbs/day	effluent[1]	influent & effluent[1]	twice per week	2/week	calculation[2]	calculation[2]
pH	s.u.	effluent	effluent	five times per week	5/week	grab	grab
Fecal Coliform Bacteria[3]	colonies/ 100 ml	effluent	effluent	five times per week [4]	2/week	grab	grab
E. Coli Bacteria	organisms/ 100 ml	effluent	---	five times per month [5]	---	grab	---
Flow	mgd	influent	influent or effluent	continuous	continuous	recording	recording
Temperature	°C	effluent	---	five times per week	---	grab	---
DO	mg/l	effluent	---	twice per week	---	grab	---
Cadmium, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---
Zinc, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---

Table 2: Proposed and Current Effluent Monitoring for Outfall 001							
PARAMETER	**UNITS**	**LOCATION**		**SAMPLE FREQUENCY**		**SAMPLE TYPE**	
		Proposed	**Current**	**Proposed**	**Current**	**Proposed**	**Current**
Copper, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---
Lead, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---
Nickel, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---
Arsenic, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---
Silver, total recoverable	µg/l	effluent	---	twice per year[6]	---	24-hour composite	---
Total Ammonia as N	mg/l	effluent	effluent	once per week	1/week	24-hour composite	24-hour composite
	lbs/day	effluent	---	once per week	---	calculation[2]	---
Total Residual Chlorine	mg/l	effluent	effluent	five times per week	daily	grab	grab
	lbs/day	effluent	---	five times per week	---	calculation[2]	---
Nitrate-Nitrite as N	mg/l	effluent	---	once per quarter	---	24-hour composite	---
Total Phosphorus as P	mg/l	effluent	---	once per quarter	---	24-hour composite	---
Whole Effluent Toxicity	TU_c	effluent	effluent	once per quarter[7]	2/5-years	24-hour composite	24-hour composite

Table 2: Proposed and Current Effluent Monitoring for Outfall 001							
PARAMETER	**UNITS**	**LOCATION**		**SAMPLE FREQUENCY**		**SAMPLE TYPE**	
		Proposed	**Current**	**Proposed**	**Current**	**Proposed**	**Current**

Footnotes:

1 Influent and effluent samples must be collected during the same 24-hour period.
2 Loading is calculated by multiplying the concentration in mg/L by the average daily flow and a conversion factor of 8.34.
3 Must use multiple-tube fermentation or membrane filter procedures.
4 Sampling may occur only during one week in the month.
5 There must be 3-5 days between sampling events.
6 Sampling must occur within 24-hours after a waste hauler has discharged into the headworks. There must be at least 3 months between sampling events.
7 Sampling may occur only during the year 2005.

Table 3: Proposed and Current Receiving Water Monitoring							
PARAMETER	**UNITS**	**LOCATION**		**SAMPLE FREQUENCY**		**SAMPLE TYPE**	
		Proposed	**Current**	**Proposed**	**Current**	**Proposed**	**Current**
Temperature	°C	upstream & downstream	upstream & downstream	once every 2 weeks	once every 2 weeks	composite	composite[1]
Turbidity	NTU	upstream & downstream	---	once per quarter	---	composite	---
Flow	mgd	upstream	upstream	once per quarter	once every 2 weeks	recording[2]	recording[2]
DO	mg/l	upstream & downstream	---	once per quarter	---	composite	---
pH	s.u.	downstream	upstream & downstream	once every 2 weeks	once every 2 weeks	composite	composite
Hardness as $CaCO_3$	mg/l	downstream	---	once per quarter	---	composite	---
Total Ammonia as N	mg/l	upstream & downstream	upstream & downstream	once every 2 weeks	once every 2 weeks	composite	composite
Total Residual Chlorine	mg/l	downstream	---	once per quarter	---	composite	---
Nitrate-Nitrite as N	mg/l	upstream & downstream	---	once per quarter	---	composite	---
Total Phosphorus as P	mg/l	upstream & downstream	---	once per quarter	---	composite	---

Footnotes:
1 Composite samples must consist of three grab samples, one collected from each side of the river and one collected from the middle of the river.
2 Report the daily flow from the USGS gaging station (#10075000) near Soda Springs.

C. Sewage Sludge

Section 405 of the Clean Water Act requires NPDES permits to include sewage sludge use and disposal standards unless these requirements are included in another permit. However, the sewage sludge standards at 40 CFR Part 503 are self-implementating which means the permittee is required to comply with the them whether or not they have an NPDES permit that includes sewage sludge requirements. Since EPA Region 10 has recently decided to separate waste water and sewage sludge permitting, sewage sludge requirements are not included in this draft permit. EPA will issue a sludge only permit to this facility at a later date.

Until the issuance of a sludge only permit, the facility's sludge activities will continue to be subject to the national sewage sludge standards and any requirements of the State. The Part 503 regulations require that the permittee have a current sewage sludge application on file with EPA. The permittee has submitted an application to EPA on June 14, 1995 as a part of the reissuance effort for this NPDES permit.

D. Infiltration/Inflow Study

The permittee has indicated that they have had difficulties in meeting the percent removal requirements for BOD_5 and TSS due to less concentrated influent from infiltration and inflow. The records supplied by the permittee show that they have had to meet more stringent concentrations than would otherwise be required by the concentration-based standards. The federal regulations (40 CFR Part 133.103[d]) allow for a lower percent removal provided that the facility satisfactorily demonstrates that:

1. the effluent concentration limits have and will be consistently met but the facility cannot meet the percent removal requirements;

2. it would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards; and

3. the less concentrated influent wastewater is not the result of excessive influent and Infiltration (I/I) as defined by 40 CFR Part 35.2005(b)(16) and the criteria that the total influent flow (wastewater plus I/I) is less than 275 gallons per capita per day.

Although the permittee has successfully provided the information in paragraphs 1 and 2, they must demonstrate that the less concentrated influent wastewater is not the result of excessive I/I. Therefore, the draft permit is proposing that the

permittee conduct an I/I study that demonstrates this requirement during the effective period of this permit and submit the results with their application for renewal of this permit 180 days prior to the expiration date of the permit.

The following I/I regulations are provided as clarification to the necessary requirements and to assist the permittee in developing an adequate I/I study:

1. 40 CFR Part 35.2005(b)(16) *Excessive infiltration/inflow*. The quantities of infiltration/inflow which can be economically eliminated from a sewer system as determined in a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions to the total costs for transportation and treatment of the infiltration/inflow.

2. 40 CFR Part 35.2005(b)(28) *Nonexcessive infiltration*. The quantity of flow which is less than 120 gallons per capita per day (domestic base flow and infiltration) or the quantity of infiltration which cannot be economically and effectively eliminated from a sewer system as determined in a cost-effectiveness analysis.

3. 40 CFR Part 35.2005(b)(29) *Nonexcessive flow*. The maximum total flow rate during storm events which does not result in chronic operational problems related to hydraulic overloading of the treatment works or which does not result in a total flow of more than 275 gallons per capita per day (domestic base flow plus infiltration plus inflow). Chronic operational problems may include surcharging, backups, bypasses, and overflows.

4. 40 CFR Part 35.2120 Infiltration/Inflow. (a) *General.* The applicant shall demonstrate to the Regional Administrator's satisfaction that each sewer system discharging into the proposed treatment works project is not or will not be subject to excessive infiltration/inflow. (b) *Inflow*. If the rainfall induced peak inflow rate results or will result in chronic operational problems during storm events, or the rainfall-induced total flow rate exceeds 275 gpcd during storm events, the applicant shall perform a study of the sewer system to determine the quantity of excessive inflow and to propose a rehabilitation program to eliminate the excessive inflow. All cases in which facilities are planned for the specific storage and/or treatment of inflow shall be subject to a cost-effectiveness analysis. (c) *Infiltration.* (1) If the flow rate at the existing treatment facility is 120 gallons per capita per day or less during periods of high groundwater, the applicant shall build the project including sufficient capacity to transport and treat any existing infiltration. However, if the applicant believes any specific portion of its sewer system is subject to excessive infiltration, the applicant may confirm its belief in a cost-effectiveness analysis and

propose a sewer rehabilitation program to eliminate that specific excessive infiltration. (2) If the flow rate at the existing treatment facility is more than 120 gallons per capita per day during periods of high groundwater, the applicant shall either: (i) Perform a study of the sewer system to determine the quantity of excessive infiltration and to propose a sewer rehabilitation program to eliminate the excessive infiltration; or (ii) If the flow rate is not significantly more than 120 gallons per capita per day, request the Regional Administrator to determine that he may proceed without further study, in which case the allowable project cost will be limited to the cost of a project with a capacity of 120 gallons per capita per day under Appendix A.G.2.a.

5. 40 CFR 35 Appendix A.G.2.a. When the Regional Administrator determines that the flow rate is not significantly more than 120 gallons per capita per day under §35.2120(c)(2)(ii), the incremental cost of treatment works capacity which is more than 120 gallons per capita per day.

VII. OTHER LEGAL REQUIREMENTS

A. State Certification Requirements

Since this permit authorizes the discharge to Idaho State waters, section 401 of the Clean Water Act requires EPA to seek state certification before issuing a final permit. As a result of the certification, the state may require more stringent permit conditions to ensure that the permit complies with water quality standards.

B. Standard Permit Provisions

Sections II, III, and IV of the draft permit contain standard regulatory language that must be included in all NPDES permits. Because they are regulations, they cannot be challenged in the context of an NPDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements.

C. Endangered Species Act of 1973

Section 7 of 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. EPA has determined that the issuance of this permit will not affect any of the threatened or endangered species in the vicinity of the discharge, therefore no consultation is required. See Appendix E for further details. This fact sheet and the draft permit will be submitted to NMFS and the

USFWS for review during the public notice period. Any recommendations received from NMFS or the USFWS regarding threatened or endangered species will be considered prior to final issuance of this permit.

D. Essential Fish Habitat

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 issuance of this permit will not affect any EFH species since there are none in the vicinity of the discharge, therefore no consultation is required. This fact sheet and the draft permit will be submitted to NMFS for review during the public notice period. Any recommendations received from NMFS regarding EFH will be considered prior to final issuance of this permit.

E. Permit Expiration

Section 402(1)(B) of the Clean Water Act require that NPDES permits are issued for a period not to exceed five years, therefore, this permit will expire five years from the effective date of the permit.

VIII. REFERENCES

EPA, 1991. *Technical Support Document for Water Quality-based Toxics Control.* U.S. Environmental Protection Agency, Office of Water, 3PA\505\2-90-001, March, 1991.

EPA Region 10, 1996. *EPA Region 10 Guidance for WQBEL Below Analytical Detection/Quantitation Level*, U.S. Environmental Protection Agency, Region 10, Office of Water, March 22, 1996.

EPA, 1996. *Interim Guidance for Performance-Based Reduction of NPDES Permit Monitoring Frequencies*, U.S. Environmental Protection Agency, April, 1996.

IDAPA, 1996. *Idaho Administrative Procedures Act 16, Title 01, Chapter 02: Water Quality Standards and Wastewater Treatment Requirements.* Idaho Department of Environmental Quality, IDAPA 58.01.02.

WPCF, 1976. *Chlorination of Wastewater*. Water Pollution Control Federation. Subcommittee on Chlorination of Wastewater.