Response to Comments

North Idaho Correctional Institution
NPDES Permit Number: ID0025887
April 25, 2017

On January 30th, 2017, the U.S. Environmental Protection Agency Region 10 (EPA) issued a public notice for the proposed reissuance of the North Idaho Correctional Institution (NICI) Waste Water Treatment Plant (WWTP) draft National Pollutant Discharge Elimination System (NPDES) Permit No. ID0025887. The public comment period closed March 1st, 2017.

During the public comment period, the EPA received comments from the following:

- Mountain Waterworks
- Idaho Conservation League

This document presents the comments received and provides corresponding response to those comments. The following revisions were as the result of comments received during the public comment period.

- Two typographical errors were brought to EPA's attention and have been corrected in the permit and fact sheet (see Comments #3 and #4).
- EPA erroneously entered 24-composite sampling for the facility and has modified the sampling methods for BOD_5 and TSS to "Grab" which is consistent with the existing permit (see Comment #5).
- EPA has increased the compliance schedule length to 5 years to allow NICI sufficient time to plan and acquire funding for the additional requirements necessary to meet the final ammonia limits (see Comment #6).
- EPA has modified the monitoring schedule for ammonia from 1/week to 2/month during the five-year compliance schedule, while the interim ammonia limit is effective (see Comment #7).
- The permit has been revised to clarify that surface water monitoring must continue if the permit is administratively extended (see Comment #9).

The comments below are abbreviated from the original letters, which are attached to this response to comments document.

Comments from Mountain Waterworks

Comment #1. *We suggest the EPA gather data during the critical period to accurately calculate the potential and water quality based effluent limit calculations rather than base the limits on a zero flow assumption with no data. Further, we believe if an ammonia limit is imposed, it should be a seasonal limit. As noted on page 18 of the Fact Sheet under the Temperature heading, "EPA determined that due to the low probability of exceedance and dry-nature of the receiving creek there is a low potential for the discharge to impact water quality standards for temperature at the point of discharge and downstream." The same methodology should hold true for ammonia, considering a limit only during the critical period and when there is flow in the creek.*

Response #1. **Regarding flow data:** Sources used to gather data on flow conditions downstream from the point of discharge included the following; the United States Geological Survey from 1967 to 1974 (USGS station 13338800), the Nez Perce Tribe (Clark, 2014 and Chandler, 2012), an EPA site inspection report from 2007, and the facility via personal communication and the Surface Water Monitoring Report (SWMR) completed by the facility in 2008. These sources describe flow conditions in the unnamed creek to be ephemeral with flow dependent upon precipitation in the surrounding watershed. On the SWMR, the facility reported dry conditions as late in the year as November (NICI, 2008). Therefore, the critical low flow for the receiving water, unnamed creek, used in the calculations was zero cfs. Additional flow data would not change a critical flow condition of zero. No changes to the final permit resulted from this comment.

Regarding annual vs seasonal ammonia limits: Reasonable potential calculations found that the facility's effluent has the reasonable potential to exceed Idaho WQS for total ammonia as nitrogen (ammonia) year-round. In consideration of applying seasonal limits, EPA calculated water quality based effluent limits for both the winter/spring season (November – May) and summer/fall (June – October). EPA found that because the ammonia criteria would be similar for the two seasons and because low flow (dry) conditions can occur during both seasons, it is reasonable to apply annual limits. This similarity in conditions is further described below.

Ammonia chronic criteria are pH and temperature dependent; acute criteria are pH dependent. Due to consistent pH levels throughout the year and high temperatures in both seasons in the receiving water, the chronic criterion for the winter/spring and summer/fall seasons varies only slightly at 3,962 micrograms per liter (µg/L) and 4,129 µg/L, respectively. The acute criteria varies even less (Table 1). Table 2 shows the data used to calculate reasonable potential. Temperatures greater than as high as 21.8 degrees Celsius occur in the winter/spring season. In addition, low flows of zero can occur in the receiving water year round. Due to the lack of seasonal variations in flow, pH, and temperature, EPA is implementing annual-based limits for total ammonia.

Regarding temperature: EPA did not find reasonable potential for temperature as discussed below in Response 8.

Table 1: Seasonal Calculations for Total Ammonia Reasonable Potential

Receiving Water Data		Notes:	Annual	Seasonal (Nov-May)	Seasonal (Jun-Oct)
Hardness, as mg/L $CaCO_3$		5th % at critical flows	Crit. Flows	Low Flow	High Flow
Temperature, °C	Temperature, °C	95th percentile	21.7	21.1	21.6
pH, S.U.	pH, S.U.	95th percentile	6.8	6.79	6.8

Pollutants of Concern			AMMONIA, default: cold water, fish early life stages present	AMMONIA, default: cold water, fish early life stages present	AMMONIA, default: cold water, fish early life stages present
Effluent Data	Number of Samples in Data Set (n)		63	63	63
	Coefficient of Variation (CV) = Std. Dev./Mean (default CV = 0.6)		1.2	1.2	1.2
	Effluent Concentration, µg/L (Max. or 95th Percentile) - (C_e)		14,000	14,000	14,000
	Calculated 50th % Effluent Conc. (when n>10), Human Health Only				
Receiving Water Data	90th Percentile Conc., µg/L - (C_u)		900	900	900
	Geometric Mean, µg/L, Human Health Criteria Only				
Applicable Water Quality Criteria	Aquatic Life Criteria, µg/L	Acute	28,045.66	28,225.635	28,045.66
	Aquatic Life Criteria, µg/L	Chronic	3,961.782	4,128.528	3,987.407
	Human Health Water and Organism, µg/L		--	--	--
	Human Health, Organism Only, µg/L		--	--	--
	Metals Criteria Translator, decimal (or default use Conversion Factor)	Acute	80.	80.	80.
		Chronic			
	Carcinogen (Y/N), Human Health Criteria Only		--	--	--
Calculated Dilution Factors (DF) (or enter Modeled DFs)	Aquatic Life - Acute	1Q10	1.0	1.0	1.0
	Aquatic Life - Chronic	7Q10 or 4B3	--	--	--
	Ammonia	30B3 or 30Q10	1.0	1.0	1.0
	Human Health - Non-Carcinogen	30Q5	--	--	--
	Human Health - carcinogen	Harmonic Mean	--	--	--

Aquatic Life Reasonable Potential Analysis

σ	$\sigma^2=\ln(CV^2+1)$		0.944	0.944	0.944
P_n	=(1-confidence level)$^{1/n}$. where confidence level =	99%	0.930	0.930	0.930
Multiplier (TSD p. 57)	$=\exp(z\sigma-0.5\sigma^2)/\exp[\text{normsinv}(P_n)-0.5\sigma^2]$, where	99%	2.2	2.2	2.2
Statistically projected critical discharge concentration (C_e)			31368.69	31368.69	31368.69
Predicted max. conc.(ug/L) at Edge-of-Mixing Zone		Acute	2509495.05	2509495.05	2509495.05
(note: for metals, concentration as dissolved using conversion factor as translator)		Chronic	31368.69	31368.69	31368.69
Reasonable Potential to exceed Aquatic Life Criteria			YES	YES	YES

Aquatic Life Effluent Limit Calculations

Number of Compliance Samples Expected per month (n)			4	4	4
n used to calculate AML (if chronic is limiting then use min=4 or for ammonia min=30)			30	30	30
LTA Coeff. Var. (CV), decimal	(Use CV of data set or default = 0.6)		1.200	1.200	1.200
Permit Limit Coeff. Var. (CV), decimal	(Use CV from data set or default = 0.6)		1.200	1.200	1.200
Acute WLA, ug/L	$C_d = (\text{Acute Criteria} \times MZ_a) - C_u \times (MZ_a-1)$	Acute	28,045.7	28,225.6	28,045.7
Chronic WLA, ug/L	$C_d = (\text{Chronic Criteria} \times MZ_c) - C_u \times (MZ_c-1)$	Chronic	3,961.8	4,128.5	3,987.4
Long Term Ave (LTA), ug/L	WLAc x $\exp(0.5\sigma^2-z\sigma)$, Acute	99%	4,868.1	4,899.3	4,868.1
(99th % occurrence prob.)	WLAa x $\exp(0.5\sigma^2-z\sigma)$; ammonia n=30, Chronic	99%	2,450.8	2,554.0	2,466.7
Limiting LTA, ug/L	used as basis for limits calculation		2,450.8	2,554.0	2,466.7
Applicable Metals Criteria Translator (metals limits as total recoverable)			--	--	--
Average Monthly Limit (AML), ug/L , where % occurrence prob =		95%	3,418	3,562	3,440
Maximum Daily Limit (MDL), ug/L , where % occurrence prob =		99%	14,119	14,714	14,211
Average Monthly Limit (AML), mg/L			3.4	3.6	3.4
Maximum Daily Limit (MDL), mg/L			14.1	14.7	14.2
Average Monthly Limit (AML), lb/day			1	1	1
Maximum Daily Limit (MDL), lb/day			4	4	4

Table 2: NICI Surface Water Sampling Location: Results reported to EPA in 2008 Surface Water Monitoring Report

Date	pH	Total Phosphorous as P	Total Ammonia as N	Temperature
unit	SU	mg/L	mg/L	°Celsius
11/22/2004	5.9	0.01	0.01	--
4/11/2005	--	0.02	0.01	--
4/27/2005	6.8	--	--	19.7
6/8/2005	--	0.04	0.01	--
8/2/2005	--	0.19	0.1	--
8/31/2005	6.6	--	--	17.0
10/3/2005	--	0.09	0.01	--
11/1/2005	6.8	0.16	0.01	5.0
4/3/2006	--	--	--	21.8
6/13/2006	--	0.05	0.01	21.2
6/30/2006	6.8	--	--	20.0
8/7/2006	--	0.34	0.01	--
10/3/2006	--	0.46	0.09	--
12/5/2006	--	0.12	0.01	--
5/7/2007	--	0.06	0.01	--
7/18/2007	--	0.08	0.01	--
5/5/2008	--	0.11	0.01	--
Annually-based				
95th Percentile	**6.80**	0.39	0.07	**21.7**
Winter Season (November - May)				
95th Percentile	**6.79**	0.42	0.08	**21.1**
Summer Season (June - October)				
95th Percentile	**6.80**	0.15	0.01	**21.6**

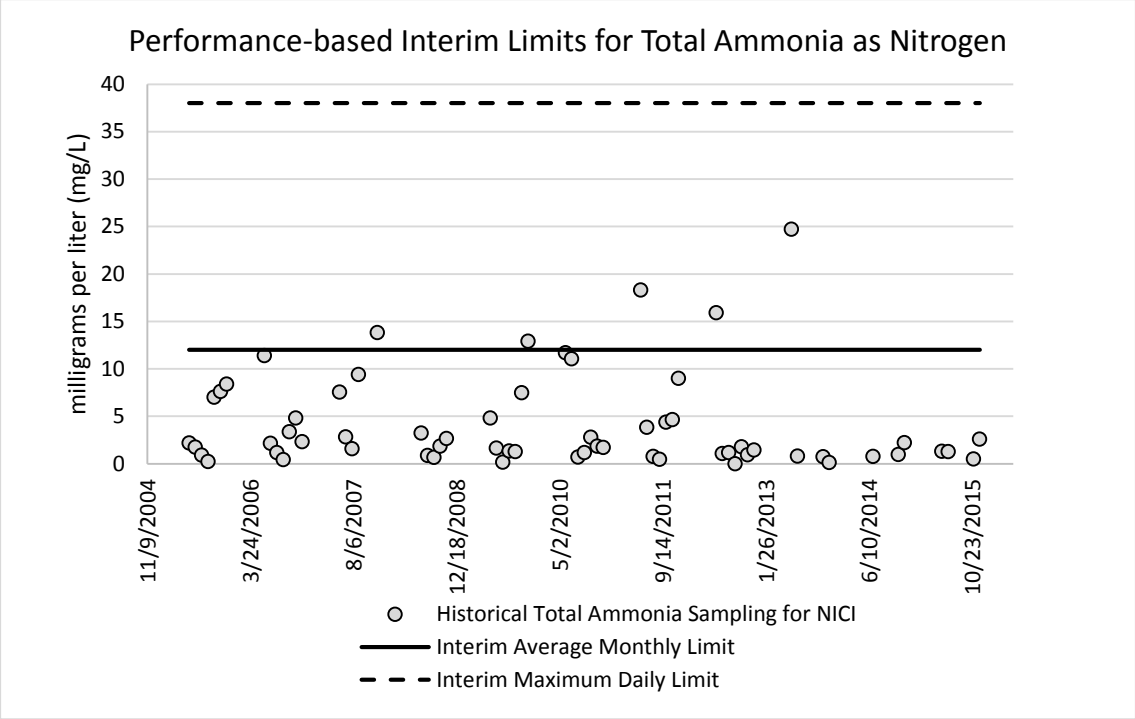
Notes:
'-- = not sampled
0.01 = Sample was non-detect, reported as 50% of method detection limit
mg/L = milligrams per liter
SU = standard units

Comment #2. *The interim average monthly ammonia limit of 12 mg/L and associated load limit of 3.0 lbs/day included in the Draft Permit will be difficult to achieve with the current facility. Operators of the existing treatment facility have no process control over ammonia removal and until the planned improvements are completed, ammonia violations are likely. We request the interim ammonia limits be eliminated.*

Response #2. The interim limit is designed to hold the facility to its current discharge levels so that the discharge does not contribute to further degradation of the impaired water as the facility is working toward coming into compliance with its final effluent limit. The interim limit was calculated based on the logarithmic average and variance of ammonia samples collected by NICI between 2004 and 2015 (Appendix D of Fact Sheet). The resulting interim limits are conservative enough that the facility should not exceed the maximum daily limit of 38 mg/L and will meet the average

monthly limit of 12 mg/L when averaging multiple samples (Figure 1). No changes to the final permit resulted from this comment.

Figure 1: Performance-based Limits and Sampling History for Ammonia



Comment #3. *Page 30 of the Fact Sheet references the City of Genesee. We are unclear why Genesee is referenced in the mixing zone calculations.*

Response #3. Reference to the City of Genesee was an error. Because the unnamed creek is periodically dry, there is no dilution available.

Comment #4. *It appears the facility design criteria influent loads contained in Table 4 of the Draft Permit should be effluent loads.*

Response #4. EPA has corrected the references from "influent" to "effluent" in Table 4 in the permit.

Comment #5. *The facility has no means to collect 24-hour composite samples included in the Draft Permit. We request to include 8-hour composite sampling in the final permit, which is consistent with several other lagoon treatment facilities in Idaho.*

Response #5. EPA inadvertently included the 24-hour sampling in the draft permit. The existing permit includes grab samples. In reviewing the sampling data, EPA considered grab samples to be sufficient. EPA has modified sampling types in the final permit to be consistent with the current permit. BOD_5 and TSS samples may continue to be collected as grab samples.

Comment #6. *Ammonia compliance activities contained in Table 3 of the draft permit require construction to be completed 3 years after the permit effective date, and meet the proposed effluent*

imitations for ammonia 4 years from the permit effective date. Significant facility improvements are necessary to meet the proposed ammonia limits. Funding for the upgrades must be appropriated through the Idaho State Legislature, which is a lengthy process. Also, the State currently is in the preliminary desig0n phase for a project to improve lagoon performance that is expected to be constructed and operational by November of 2018. We request the schedule of compliance for ammonia be extended to a minimum of 5 years to complete construction after the permit effective date. An extended compliance period will allow treatment performance of the currently planned lagoon improvements to be measured, and offer the State appropriate time to plan and fund additional requirements necessary to meet the proposed ammonia limits.

Response #6. EPA has increased the compliance schedule length to 5 years to allow NICI sufficient time to plan and acquire funding for the additional requirements necessary to meet the final ammonia limits.

Comment #7. *The weekly sample frequency monitoring requirements contained in Table 1 of the draft permit will be challenging for system operations staff. Samples are currently collected and delivered to Moscow, ID, which is the closest certified laboratory to the facility. We request reduced sample frequency be included in the final permit.*

Response #7. In consideration of sampling and courier challenges, EPA has modified the monitoring schedule for ammonia from 1/week to 2/month during the five-year compliance schedule while the interim ammonia limit is effective. At the end of the five-year compliance schedule the facility must conduct weekly monitoring to ensure compliance with the final total ammonia effluent limit. The permit and fact sheet have been modified to reflect these conditions.

The Idaho Conservation League

Comment #8. ***Re: Effluent Limits for Causes of Impairment.*** *Specifically, we are concerned that this draft permit does not contain effluent limitations for temperature, DO, and phosphorus. All three of these pollutants are either explicitly listed as or associated with a cause of impairment. As such, effluent limitations and appropriate monitoring requirements must be included as part of this permit. In addition, because the critical low flow for the receiving water body is 0 cfs, effluent limits calculated for these pollutants must comply with all applicable WQS at the point of discharge or "end of pipe," as dilution will commonly not occur*

If the EPA decides to forego including limits on DO in this draft permit, we request that the EPA provide an explanation for its decision.

With regards to total phosphorus (TP), the EPA has concluded that effluent limits are not necessary because a cited report found that most TP pollution within the unnamed creek and Lawyer Creek comes from stream erosion (Clark, 2015). It is unclear why these results preclude effluent limits for TP. NICI is currently required to monitor for TP, and including a TP effluent limit would be a reasonable proactive measure to ensure NICI discharges do not contribute excess TP to the unnamed creek or downstream water bodies.

Response #8.
Regarding Temperature: Lawyer Creek is listed as a Category 5 waterbody with causes for impairment which include temperature (in addition to multiple other parameters) (IDEQ, 2014). In

general, temperature impairments in the greater Clearwater Basin are due to solar radiation from loss of canopy and riparian shading, channel erosion, sedimentation of pools, degradation of water quality and seasonal low flows. This is true for multiple temperature TMDLs in the area, where nutrient and sediment controls, stream restoration, and percent solar load reduction targets are the preferred method for addressing temperature[1] impairment. The EPA considers the heat loading from the facility to be de minimis. The discharge is 4.5-miles upstream of Lawyer Creek. Within that stretch, the temperature in the unnamed tributary will be influenced by increases and decreases in air temperature. In consideration of these conditions, EPA does not have a basis to include temperature limits in the permit.

Regarding DO: In evaluating the impact of a wastewater with respect to DO criteria, the concern is the far-field impact on a receiving water from residual biological oxygen demand (BOD), e. *coli*, and nutrients rather than the DO level in the immediate vicinity of the discharge. The facility is planning system upgrades in order to improve water quality. Compliance with the permit limits for these parameters should produce a wastewater that has been stabilized to the point that oxygen demands from pollutants do not exert strenuous oxygen demand on receiving water.

Regarding phosphorus: IDEQ has narrative criteria for nutrients, where "surface waters of the state shall be free from excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses (IDAPA 58.01.02.200.06)". Lawyer Creek does not currently have any TMDLs and IDEQ has not completed a water quality assessment for Lawyer Creek since 2005. The report referenced in the fact sheet specified that erosional processes in conjunction with agricultural activities appeared to be the primary source of elevated total phosphorus levels in Lawyer Creek (Clark, 2014). Based upon available information, EPA cannot determine whether NICI has reasonable potential to cause visible slime growths or other nuisance aquatic growths. As stated in the fact sheet, the NICI does not have plans for expansion of the correctional facility beyond its current population of approximately 425 inmates. Planned treatment plant upgrades should moderately improve effluent TP concentrations in the next five years. Therefore, pollutant contributions are likely to decrease as treatment performance is expected to improve in the duration of this permit. The facility will continue to sample for TP at the outfall and in the surface water of the unnamed creek to assess whether future TP limits are needed and to provide IDEQ with data for future waterbody assessments. However, at this time, EPA does not have a basis to conclude that phosphorus limits are warranted.

Comment #9. ***Re: Temperature Data Used for Ammonia Calculations.*** *First, this temperature data is now over 10 years old and may not accurately reflect current conditions. Relying solely on outdated information risks inaccurate projections of the temperature regime likely to occur throughout the term of this draft permit. The EPA should rely on recent, accurate data as well as make educated projections regarding how water temperature is likely to be affected by climate change over the next 5-10 years.*

Second, it's not clear why the EPA does not have more recent data from which to base conditions in the draft permit. The current operating permit requires the NICI to collect and report temperature data once per month (Fact Sheet, Table 6). It has come to our attention that despite this obligation more

[1] Lolo Creek Watershed Restoration Plan (IDEQ, 2013), 2000 Cottonwood Creek Watershed Assessment and TMDL, Cottonwood Creek Watershed Management Plan (CH2M Hill, 2007), 2010 Hatwai Creek TMDL, Hatwai Creek Watershed TMDL Implementation Plan for Agriculture (Idaho Soil and Water Conservation Commission and Nez Perce Soil and Water Conservation District, 2012)

recent water temperature data may not be available, in part, due to language in the operating permit, which may or may not have relieved the NICI of its monitoring obligations after a certain period of time. We request that the EPA clarify the NICI's surface monitoring obligations under the existing permit and explain whether or not the NICI violated its surface water monitoring requirements by failing to record more recent water temperature data.

In any event, we request that the draft permit be revised to require surface water monitoring so long as the NICI continues to discharge effluent. In other words, expiration of the proposed permit or any other administrative change to the permit should not relieve the NICI of any of its monitoring requirements, if the NICI continues to discharge effluent. If the EPA declines this request, we further request that the EPA issue a response explaining its decision.

EPA should recalculate the ammonia effluent limit using current temperature data and evaluate this data in conjunction with projections of future temperature trends likely to result from climate change.

Response #9. Permit limits were developed using the most recent temperature data available. The Permitee collected all of the temperature data they were required to collect. Under the current permit, the NICI was required to monitor surface water beginning on November 2004 and continue for 4 years (Permit, Section I.C.4). The proposed permit has been revised to clarify that surface water monitoring must continue if the permit is administratively extended. Changes in the receiving water low-flows for any reason, including climate change, will be captured through monitoring and used in the next permit's issuance.

Comment #10. ***Re: Compliance Violations.*** *The NICI's disregard for effluent limits over at least the past 10 years indicates a serious need for new and more effective terms and conditions that will ensure permit compliance and deter future violations. The EPA did not pursue penalties to the full extent of the law, but instead approved a Consent Agreement in May 2012, with NICI, which imposed a comparatively lower penalty. However, the Agreement demanded the NICI take actions necessary to come into compliance with its permit obligations. Unfortunately, the NICI continues to violate its discharge permit, having accrued another 162 violations between 2011 and 2016. Although the violations over the past five years number far less than the violations from five years prior, permit violations, of whatever number, are an unlawful degradation of water quality that must be prevented.*

We request that the EPA please clarify whether effluent limit violations listed in Table 5 of the Fact Sheet include violations of monitoring requirements. In addition, if another consent agreement is entered into between the EPA and the NICI, that agreement must include terms and conditions that effectively deter permit violations.

Response #10. The totals listed in Table 5 include both non-effluent and effluent limit violations calculated from the discharge monitoring reports submitted by the facility to EPA between 2011 and 2016. Table 5 includes violations of monitoring requirements.

Additional compliance information for this facility, including compliance with other environmental statutes, is available on Enforcement and Compliance History Online (ECHO). The ECHO web address for this facility is:
https://echo.epa.gov/detailed-facility-report?fid=110010829309

As published in ECHO, EPA pursued a monetary penalty and compliance order by consent to bring the facility into compliance with its effluent limits. As of the publication of the 2017 proposed permit, the facility has not completed upgrades and has only made partial progress in meeting effluent limits. The issuance of this permit is an additional action by EPA to address this noncompliance.

Comment #11. ***Re: Dissolved Oxygen.*** *The salmonid spawning designation for unnamed creek and Lawyer Creek stipulates that water-column dissolved oxygen meet the following requirements: one-day minimum of not less than 6.0 mg/l or 90% of saturation, whichever is greater, during periods of spawning and incubation. IDAPA 58.01.02.250.02.f.i.(2)(a). Despite Idaho regulations restricting dissolved oxygen below a one-day minimum, the draft permit only requires once per month sampling of dissolved oxygen. To ensure that NICI meets the requirements already set by Idaho regulation, dissolved oxygen levels must be monitored daily. If the EPA chooses not to include such a monitoring requirement in a final permit issued to the NICI, we request the EPA provide a response explaining its decision.*

Response #11. EPA expects DO levels further downstream in the receiving waters to be diminished by residual biological oxygen demand (BOD) and nutrients with minimal effects to the receiving water based upon the initial DO level in the immediate vicinity of the discharge.

Comment #12. ***Re: Facility Plan.*** *The draft permit does not require the NICI to prepare a new or update its facility plan, despite the requirements of the design criteria provision listed on page 24 of the Fact Sheet. This provision states that if annual average flow or loading exceeds 85% of the design criteria values for a consecutive three months of data, the permittee must compare measured flow and loading to the facility's design flow and loading and prepare a facility plan for maintaining compliance with NPDES permit effluent limits. As an initial matter, it is not clear why the NICI WWTP trigger for developing a facility plan is rounded up from 0.026 mgd. The Fact Sheet does not provide a legal or regulatory basis for rounding this figure up. Nothing suggests why 0.026 mgd cannot act as the design flow criteria value.*

Accordingly, this draft permit must require a new or updated facility plan and schedule that considers:
1. Analysis of the present design and proposed process modifications;
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system; and
3. Limits on future sewer extensions or connections or additional waste loads.

If the EPA declines to require a new or updated facility plan in a final permit issued to the NICI, we request the EPA provide a response explaining its decision.

Response #12. This is a new requirement for the facility. The NICI will be required to develop a facility plan when the annual average flow or loading exceeds 85% of the design criteria values for a consecutive three months of data after the effective date of the proposed permit. EPA concurs that rounding up the average monthly flow value from 0.026 to 0.03 million gallons per day (mgd) is arbitrary. The design criteria flow will remain 0.026 mgd, which has been corrected in the Fact Sheet and Permit.

The permittee is currently planning and designing system upgrades.

Comment #13. ***Re: Salmonid Spawning and Incubation Period.*** *Idaho Water Quality Standards require that surface waters designated for the beneficial use of salmonid spawning must be protected wherever attainable. When surface waters are designated for the beneficial use of salmonid spawning, this designation applies to waters, which provide or could provide a habitat for active self-propagating populations of salmonid fishes. IDAPA 58.01.02.100.01.b. The Lawyer Creek Watershed provides spawning and rearing habitat for Summer Steelhead. Coho salmon have been found in Lawyer Creek as well. Lawyer Creek and Tributaries, Idaho Water Quality Monitoring Project 2014 (Clark, 2015).*

The spawning and incubation periods for each of these species in the Lawyer Creek Watershed differ – Summer Steelhead occurs between February and May and Coho salmon occurs between October and December. Given that this watershed provides or, at least, could provide habitat for Coho salmon, the draft permit incorrectly limits the salmonid spawning period to protect only Summer Steelhead. According to Idaho regulation, the draft permit must be revised to accommodate Coho salmon by extending the spawning and incubation period to the beginning of October until the end of December. If the EPA declines to revise the draft permit to accommodate spawning and incubation of Coho salmon, we request the EPA provide a response explaining its decision.

Response #13. EPA acknowledges that the salmonid spawning and rearing designation for Coho Salmon, which implements applicable standards between October and December (IDAPA 58.01.02.250.02.f.ii). Coho Salmon have been documented within Lawyer Creek as far as 17 kilometers upstream from its confluence with the Clearwater River (Chandler, 2012). Effluent limitations for the temperature and DO were not implemented as discussed in Responses 8 and 11, above.

References

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Clark, Ken. 2015. *Lawyer Creek and Tributaries, Idaho, Water Quality Monitoring Project 2014*. Nez Perce Tribe Water Resources Division. November, 2015.

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control*. US Environmental Protection Agency, Office of Water, EPA-505-2-90-001.

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EPA. 2012. Recreational Water Quality Criteria. US Environmental Protection Agency, Office of Water, EPA-820-F-12-058.

IDAPA 58.01.02. Idaho water quality standards and wastewater treatment requirements.

IDEQ. 2016. *Water Body Assessment Guidance: 3rd Edition*. October, 2016.

IDEQ. 2014. *Idaho's 2012 Integrated Report*. Boise, ID: Idaho Department of Environmental Quality.

USGS. Monitoring Station for Lawyer Creek (USGS station 13338800). Accessed Nov, 2016 at: http://waterdata.usgs.gov/nwis/dv?cb_00060=on&format=rdb&site_no=13350448&referred_module=sw&period=&begin_date=1969-12-01&end_date=2016-11-30

Appendix

Comment Letter from Mountain Waterworks, received by EPA on February 27, 2017.

Comment Letter from Idaho Conservation League, received by EPA on March 1, 2017.