



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C.L. "Butch" Otter, Governor
John H. Tippets, Director

August 19, 2016

Mr. Michael J. Lidgard
NPDES Permits Unit Manager
EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Subject: Final 401 Water Quality Certification for the West Boise Wastewater Treatment Facility, City of Boise Permit Modification ID-002398-1

Dear Mr. Lidgard:

The Boise Regional Office of the Department of Environmental Quality (DEQ) has reviewed the above-referenced permit modification for the City of Boise's West Boise WWTF. Section 401 of the Clean Water Act requires that states issue certifications for activities which are authorized by a federal permit and which may result in discharge to surface waters. In Idaho, DEQ is responsible for reviewing these activities and evaluating whether the activity will comply with Idaho's Water Quality Standards, including any applicable water quality management plans (e.g., total maximum daily loads). A federal discharge permit cannot be issued until DEQ has provided certification or waived certification either expressively, or by taking no action.

This letter is to inform you that DEQ is issuing the attached Final 401 certification subject to the terms and conditions contained therein.

Please contact Kati Carberry at (208) 373-0434 to discuss any questions or concerns regarding the content of this certification.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Scheff".

Aaron Scheff
Regional Administrator
Boise Regional Office

c: Erin Seyfried, EPA Region 10
ec: Nicole Deinarowicz, DEQ State Office
Susan Poulsom, EPA Region 10
TRIM #2016AKF116



Idaho Department of Environmental Quality Final §401 Water Quality Certification

August 19, 2016

NPDES Permit Number(s): ID-002398-1, West Boise Wastewater Treatment Facility, City of Boise Permit Modification

Receiving Water Body: Boise River, Dixie Slough

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. 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 (NPDES) permits and issue water quality certification decisions.

Based upon its review of the above-referenced permit modification, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit modification 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, 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, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities.

This 401 certification is specifically addressing the 2 major modifications to the final permit including:

1. Modification of the interim limits for TP and
2. Modification of the upstream monitoring requirement for the Dixie Drain Phosphorus Removal Facility (DPRF)

Except as specifically provided in this certification, all conditions included in the Final 401 Certification issued on May 24, 2013 remain valid and will still apply for both the DPRF and West Boise Wastewater Treatment Facility (WWTF).

Compliance Schedule

Pursuant to IDAPA 58.01.02.400.03, DEQ may authorize compliance schedules for water quality-based effluent limits issued in a permit for the first time. West Boise WWTF cannot achieve compliance with the interim limits that were established for total phosphorus in the final May 2013 permit; therefore, DEQ authorizes a revised compliance schedule with new interim limit requirements as set forth below. All other provisions of the compliance schedule as set forth in the May 24, 2013 certification remain applicable. This revised compliance schedule provides a reasonable interim limit that the permittee is expected to achieve based on their current technology.

1. **Total Phosphorus Interim Limit:** The permittee must comply with the following Compliance Schedule requirements for Total Phosphorus (TP) interim limits.
 - a. The following limitations (Table 1) must be achieved by the dates cited.

TABLE 1: TP Effluent Limits and Compliance Dates

Date	Effluent Limit
May 1, 2016 through April 30, 2017 and every year thereafter until the final limit is achieved	Interim Limit not to exceed 2.8 mg/L, annual average

Surface Water Monitoring Requirements

Dixie Drain Facility:

Based on new information since the issuance of the final permit in May 2013, the requirements to monitor flow upstream of the DPRF should be removed.

Antidegradation Review

The antidegradation review that was completed and included in the Final 401 Certification issued on May 24, 2013 is still applicable for the final permit and the proposed modification of the interim effluent limit for TP. The EPA is not proposing to modify the final TP effluent limits at this time, which are expected to ensure compliance with narrative and numeric criteria of the Idaho WQS.

Additionally, the removal of upstream flow monitoring in Dixie Drain will have no effect on Idaho's antidegradation requirements.

Right to Appeal Final Certification

The final Section 401 Modified 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 or comments regarding the actions taken in this certification should be directed to Kati Carberry, Watershed Coordinator, (208) 373-0434 or Kati.Carberry@deq.idaho.gov.



Aaron Scheff
Regional Administrator
Boise Regional Office