From: Nickel, Brian
To: June Bergquist
Subject: FW: Spokane River dischargers and antideg
Date: Tuesday, October 22, 2013 10:31:00 AM

June:

If this works for HARSB and Post Falls, would you consider doing something similar for Sandpoint? They have a similar issue.

Thanks,

Brian Nickel, E.I.T.

Environmental Engineer
US EPA Region 10 | Office of Water and Watersheds | NPDES Permits Unit
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Nickel.Brian@epa.gov
http://epa.gov/r10earth/waterpermits.htm
Please conserve natural resources by not printing this message.

From: Nickel, Brian
Sent: Monday, October 21, 2013 1:32 PM
To: 'June.Bergquist@deq.idaho.gov'
Cc: John.Tindall@deq.idaho.gov; Daniel.Redline@deq.idaho.gov
Subject: RE: Spokane River dischargers and antideg

June:

As long as future revised limits were consistent with Idaho's antidegradation policy, anti-backsliding shouldn't be a problem. See Section 303(d)(4)(B) of the Clean Water Act:

> "For waters identified under paragraph (1)(A) where the quality of such waters equals or exceeds levels necessary to protect the designated use for such waters or otherwise required by applicable water quality standards, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section, or any water quality standard established under this section, or any other permitting standard may be revised only if such revision is subject to and consistent with the antidegradation policy established under this section."

Thanks,

Brian Nickel, E.I.T.

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From: June.Bergquist@deq.idaho.gov [mailto:June.Bergquist@deq.idaho.gov]
Sent: Monday, October 21, 2013 1:27 PM
To: Nickel, Brian
Cc: John.Tindall@deq.idaho.gov; Daniel.Redline@deq.idaho.gov
Subject: Spokane River dischargers and antideg

Hi Brian,
I am working on the Spokane River final certification. I am addressing the "insignificance" issue related to E. coli as described below in an email I will be sending to Post Falls and HARSB. As an option to developing an alternatives analysis and socioeconomic justification, we explored the idea of recalculating HARSB and Post Falls E. coli limit based on their current design flow. These new lower effluent limits (85cfu/L for HARSB and 93cfu/L for Post Falls) could be re-examined during the next permit cycle using our new and hopefully

approved antideg “de minimis” rules. If, in the future, the increase of E. coli was determined to be insignificant, could the E. coli effluent limit be raised back up to 126 or would anti-backsliding prevent this?

I would welcome any other input you might have to offer. Thanks.
June

Hi Ken and Mike,
As a result of EPA disapproving part of our antidegradation rules, I can no longer call the proposed increase of E. coli as a result of your design flow increase, a de minimis amount per IDAPA 58.01.02.052.08.a. Right now a rule making process is proceeding to correct this problem. Information related to this rule making can be found here: http://www.deq.idaho.gov/laws,-rules,-etc/deq-rulemakings/docket-no-58-0102-1301.aspx

In the meantime, there is no increase in the amount of E. coli that can be called insignificant, which means that an alternatives analysis (AA) and socioeconomic justification (SEJ) process is necessary (IDAPA 58.01.02.052.08.c through 08.e). Since the antidegradation rules are fairly new, there has only been one other AA/SEJ written for a municipal wastewater facility, the City of Ashton. Ashton did not reapply for their NPDES permit in a timely fashion and therefore is being treated as a new discharge, necessitating the AA/SEJ. That permit is not yet final but a copy of the Ashton AA/SEJ and draft certification can be found in the appendix D and E of this revised Fact Sheet:
http://www.epa.gov/region10/pdf/permits/npdes/id/ashton_revised_fs_id0023710_2013.pdf

Also as a part of this SEJ process, there will be a public comment period. The comment will be limited to the AA/SEJ draft decision. After the close of comment, DEQ will consider comments and make a final certification decision.

We are open to other ideas or input regarding this situation. If you would like to meet with us please contact me and I can set up individual or a joint meeting to receive input and provide answers to your questions. If you do not want to meet, please provide us with an alternatives analysis and socioeconomic justification per the Idaho Water Quality Standards (WQS) cited above by November 8, 2013. A complete copy of the WQS can be found here:
http://adminrules.idaho.gov/rules/current/58/0102.pdf

Idaho Antidegradation Implementation Procedures (January 2012 public comment draft) is a draft guidance pertaining to the antidegradation rules which can be found here:
http://www.deq.idaho.gov/media/792352-antidegradation-implementation-procedures-draft-0112.pdf

If you have any questions please give me a call. Thanks.
June

June Bergquist
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