

# FACT SHEET

The United States Environmental Protection Agency (EPA) proposes to issue a National Pollutant Discharge Elimination System (NPDES) permit to:

**Glanbia Foods, Inc.  
Gooding Plant  
1728 South 2300 East  
Gooding, Idaho 83330**

NPDES Permit Number: ID-002712-0

Date: October 24, 2003

Public Notice Expiration Date: November 24, 2003

and requests the state of Idaho to certify this NPDES permit pursuant to 40 CFR 124.53.

## NPDES Permit Issuance.

EPA proposes to issue an NPDES permit to the Glanbia Foods, Inc. in Gooding, Idaho. The draft permit places conditions on the discharge of pollutants from the Glanbia Foods Gooding Plant effluent to the Little Wood River pursuant to the provisions of the Clean Water Act.

## This Fact Sheet includes:

- ♦ information on public comment, public hearing, and appeal procedures;
- ♦ a description of the discharge;
- ♦ a listing of proposed effluent limitations and monitoring requirements;
- ♦ a listing of proposed ambient monitoring requirements;
- ♦ a map and description of the wastewater discharge; and
- ♦ detailed technical material supporting the conditions in the permit.

## State of Idaho Certification.

EPA requests that the Idaho Department of Environmental Quality (IDEQ) certify the NPDES permit for Glanbia Foods Inc. Gooding Plant under section 401 of the Clean Water Act. Prior to the Public Notice period, the state provided preliminary comments relating to the proposed effluent limitations and requirements which have been incorporated or addressed in the fact sheet and draft permit.

Public Comment.

Persons wishing to comment on or request a Public Hearing for the draft permit may do so in writing by the expiration date of the Public Notice. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for a Public Hearing must be in writing and should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

If no substantive 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 a request for an evidentiary hearing is submitted within 30 days.

Availability of Documents for Review.

The draft NPDES permit 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). Draft permits, Fact Sheets, and other information can also be found by visiting the EPA Region 10 website at [www.epa.gov/r10earth/water.htm](http://www.epa.gov/r10earth/water.htm).

United States Environmental Protection Agency  
Region 10  
Park Place Building, 13<sup>th</sup> Floor  
1200 Sixth Avenue, OW-130  
Seattle, Washington 98101  
(206) 553-0523 or  
1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

The Fact Sheet and draft permit are also available at:

United States Environmental Protection Agency (EPA)  
Idaho Operations Office  
1435 North Orchard Street  
Boise, Idaho 83706  
(208) 378-5746

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**I. BACKGROUND**

A Applicant

Glanbia Foods, Inc. Gooding Plant  
NPDES Permit No.: ID-002712-0  
Contact Person: Rick Warren

Facility Mailing Address:  
1728 South 2300 East  
Gooding, Idaho 83330

B. Activity

Glanbia Foods, Inc. owns, operates, and has maintenance responsibility for a cheese manufacturing and whey drying facility (Standard Industrial Codes “SIC” 2022 and 2023) located in Gooding County in south central Idaho. The most recent permit application dated August 20, 2003, is for the discharge of non-contact cooling water only. The non-contact cooling water does not come into direct contact with any raw material, intermediate product, waste product (other than heat) or finished product. The discharge of process waste is permitted through the state’s land application program and is not covered under this NPDES permit. The company is currently reviewing additional treatment options for their “cow” water. See Appendix A for a map of the facility and outfall location.

C. Permit History

On August 2, 1990, EPA received an NPDES permit application for the discharge of non-contact cooling water from the facility which at the time was known as Ward’s Cheese, Inc. On March 25, 1991, EPA specified that until an NPDES

permit was issued by the agency, Ward's Cheese was expected to comply with the state's water quality standards. The name of the company was changed to Avonmore West Inc., and subsequently to Glanbia Foods on January 4, 2000. A new application for a permit to allow discharge of cow water to the Little Wood River was received on June 14, 2002. The 2002 application was updated on June 2 and again on June 12, 2003 to reflect the proposed increased production rate and to clarify that there were two separate discharge sources.

On August 20, 2003, the company submitted an application for the discharge of non-contact cooling water only and requested that the previous applications be considered null and void.

## II. RECEIVING WATER

### A. Outfall Location/Receiving Water

Effluent from the Glanbia Foods Gooding Plant will be discharged from outfall 001, located at latitude: N 42° 56' 55"; longitude: W 114° 37' 37" to the Little Wood River at approximate river mile 9. The city of Gooding also discharges to this reach of the river at approximate river mile 3.6. The Big Wood River Canal Company controls the flows to the various canals on the Little Wood River, including the reach that Glanbia proposes to discharge to. Lynn Harmon, manager of the Big Wood River Canal Company, provided the following numbers on the flows through this reach of the Little Wood River:

<u>Quantity</u>	<u>Summer (April 1-October31)</u>	<u>Winter (November 1-March31)</u>
Maximum Q	5 - 6 cfs (3-4 mgd)	150 cfs (97 mgd)
Mean Q	3 cfs (2 mgd)	45 - 50 cfs (29-32 mgd)
Minimum Q	0 cfs	0 cfs

Mr. Harmon indicated that during dry years, water doesn't make it through that stretch of the river, and the Big Wood River Canal Company has to move water from the Big Wood River system into the Little Wood River system to meet water right demands in the Gooding area. Consequently, flow in this reach of the river

can change from day to day and, at times, from hour to hour. Water from the canal is returned to the river channel approximately 1.5 miles below Glanbia's discharge. The Little Wood joins the Big Wood to form the Malad River which flows approximately 11 miles to its confluence with the main stem Snake River.

## B. Water Quality Standards

A State's water quality standards consist of use classifications and numeric and/or narrative water quality criteria, and an anti-degradation policy. The use classification system designates the beneficial uses (such as cold water biota, contact recreation, etc.) that each water body is expected to achieve. The numeric and/or narrative water quality criteria are the criteria deemed necessary by the State to protect 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 state of Idaho *Water Quality Standards and Wastewater Treatment Requirements* (IDAPA 58.01.02.150.23) (2002) protects the Little Wood River for the following beneficial use classifications: cold water biota and primary contact recreation. Idaho water quality standards (IDAPA 58.01.02.100) specify that all surface waters of the state are to be protected for agricultural water supply, industrial water supply, wildlife habitat and aesthetics.

Idaho water quality standards (IDAPA 58.01.02.252.02) specify the use of "Water Quality Criteria 1972 (Blue Book), Section V, Agricultural Uses of Water" when developing specific criteria to protect waters designated as agricultural water supplies. The numeric criteria of 100 mg/L nitrate-nitrite as N and 10 mg/L nitrite as N are listed for agricultural water supplies intended as drinking water for livestock.

Idaho water quality standards (IDAPA 58.01.02.252.03, 253.01 and 253.02) specify that water quality criteria for industrial water supplies, wildlife habitat and aesthetics will generally be satisfied by the general water quality criteria set forth in Section 200 (General Surface Water Quality Criteria). Section III of this fact sheet discusses Idaho water quality standards (IDAPA 58.01.02.200) and conditions in the draft permit in more detail.

In addition to federal regulations 40 CFR 122.44(d)(1)(vii), Section 301(b) of the Clean Water Act requires NPDES permits to include limits for all pollutants or parameters which “are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.” Therefore, Idaho water quality standards for the segment of the Little Wood River from Richfield to its mouth were considered in developing applicable effluent limitations for the Glanbia Foods Gooding facility.

C. 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, and/or is not expected to meet applicable water quality standards. This segment of the Little Wood River has been listed as a water quality limited for nutrients, sediment, dissolved oxygen, flow alteration and pathogens. EPA’s approval of the state’s list added temperature as a parameter for the Little Wood River. In addition, the Idaho Department of Environmental Quality (IDEQ) considers this reach of the Little Wood River to be intermittent in accordance with the water quality standards (IDAPA 58.01.02.003.53).

Section 303(d) of the Clean Water Act 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 and nonpoint sources. The IDEQ is scheduled to complete a TMDL for the Little Wood River by the end of calendar year 2004.

### **III. EFFLUENT LIMITATIONS**

Sections 101, 301(b), 304, 308, 401, 402 and 405 of the Clean Water Act provide the basis for the effluent limitations and other conditions in the draft permit. EPA evaluates discharges with respect to these sections of the Clean Water Act and the relevant NPDES regulations in determining which conditions to include in the permit.

The EPA sets technology-based limits based on the effluent quality that is achievable

using readily available technology. The EPA develops these limits based either on federally-promulgated effluent guidelines or, where such guidelines have not been promulgated for an industry, based on best professional judgment (BPJ).

In addition to the technology-based limits, Section 301(b) of the Clean Water Act requires that NPDES permits include limits for all pollutants or parameters which “are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.” The limits must be stringent enough to ensure that water quality standards are met (see section II.B. above), and must be consistent with any available waste load allocation (WLA). Therefore, the effluent limitations specified in an NPDES permit are developed from both technology available to treat the pollutants (“technology-based limits”) and limits that are protective of the designated uses of the receiving water (“water quality-based limits”). For a pollutant for which both technology-based and water quality-based limits exist, the more stringent limits will be included in the permit. The draft permit limitations are based on Idaho’s water quality standards and best professional judgment (BPJ) because effluent guidelines have not been established for purely non-contact cooling water discharges.

To determine whether water quality-based limits are needed and to develop those limits when necessary, EPA uses the approach outlined below:

1. Determine the appropriate water quality criteria
2. Determine whether there is “reasonable potential” to exceed the criteria
3. If there is “reasonable potential”, then develop a WLA
4. Develop effluent limitations based on WLAs
  
5. Compare to technology-based limits and apply the more stringent limits

A. Summary of Effluent Limitations and Monitoring Requirements

The following table summarizes the proposed effluent limitations and monitoring requirements included in the draft permit:



Table 1. Effluent Limitations and Monitoring Requirements							
Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Instantaneous Maximum	Minimum Daily	Maximum Daily	Sample Frequency	Sample Type
Outfall Flow	gpd	--	--	--	--	continuous	recording
E. coli <sup>1,2</sup>	#/100 ml	126			--	weekly	grab
pH	s.u.	--	--	6.5	9.0	daily	grab
Temperature	°C	--	22	--	19 <sup>3</sup>	continuous	recording
Dissolved Oxygen	mg/L	--	--	≥6.0	--	daily	grab
BOD	mg/L	--	report	--	--	monthly	grab
	lbs/day	--	report	--	--	monthly	Grab
Total Ammonia as N	mg/L	--	--	--	report	monthly	grab
	lbs/day	--	--	--	report	monthly	grab
Total Phosphorus as P <sup>4</sup>	mg/L	--	--	--	0.1	monthly	grab
	lbs/day	--	--	--	0.5	monthly	grab

<sup>1</sup> Minimum level is <1 organism per 100 ml for E. coli.  
<sup>2</sup> Reporting is required within 24-hours if the maximum daily limit is violated.  
<sup>3</sup> For temperature, the maximum daily is the highest daily average temperature recorded for the month.  
<sup>4</sup> Method detection limit is 0.010 mg/L for total phosphorus as P.

In addition to the requirements listed above, the following limitations shall also apply:

1. The permit is for the discharge of non-contact cooling water only. It does not authorize the discharge of any other waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. There shall be no discharge of hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses (IDAPA 58.01.02.200.01).

3. There shall be no discharge of chemicals or toxic pollutants in toxic amounts (Section 101(a)(3) of the Clean Water Act and IDAPA 58.01.02.200.02).
4. There shall be no discharge of deleterious materials in concentrations that impair beneficial uses of the receiving water (IDAPA 58.01.02.200.03).
5. There shall 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 (IDAPA 58.01.02.200.05).
6. There shall be no discharge of excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses (IDAPA 58.01.02.200.06).
7. There shall be no discharge of oxygen-demanding materials in concentrations that would result in anaerobic water conditions (IDAPA 58.01.02.200.07).
8. There shall be no discharge of sediment in quantities which would impair designated beneficial uses (IDAPA 58.01.02.200.08).

B. Evaluation of Effluent Limitations and Monitoring Requirements

1. Zero Flow in Little Wood and Glanbia Discharge Less Than 1 CFS. Numeric water quality standards only apply to intermittent waters during optimum flow periods sufficient to support the uses for which the water body is designated. For aquatic life uses, optimum flow is equal to or greater than one (1) cfs (IDAPA 58.01.02.070.06). Therefore, when the flow in the Little Wood River (including Glanbia's discharge) is less than 1 cfs, the numeric water quality standards do not apply; however, the narrative standards are still applicable. Because of the extreme flow variation in this reach of the Little Wood River, and to comply with the narrative standards, the draft permit requires that Glanbia's discharge meet the effluent limits whenever they discharge.

2. Flow in the Little Wood.

- a. Outfall Flow: The proposed monitoring frequency for flow is continuous when discharging in order to determine compliance with the mass-based effluent limitations (i.e. lbs/day) proposed in the draft permit.
- b. Hydrogen ion concentration (pH): The federal technology-based requirements for pH (40 CFR §405.95) specify daily and monthly average pH limits of 6.0 to 9.0 standard units. The Idaho water quality standards for aquatic life specify pH limits of 6.5 to 9.5 standard units (IDAPA 58.01.02.250.01.a.). It is anticipated that a mixing zone will not be authorized for the water quality-based criterion for pH. Therefore, this criterion must be met before the effluent is discharged to the receiving water. Technology-based effluent limits for pH must also be met before the effluent is discharged to the receiving water. To ensure that both water quality-based and technology-based requirements are met, the draft permit incorporates the lower range of the water quality standard (6.5 standard units) and the upper range of the technology based limits (9.0 standard units).

The proposed monitoring frequency is daily in order to determine compliance with federal regulations 40 CFR §405.95.

- c. Temperature: The Idaho water quality standards (IDAPA 58.01.02.401.03) require that industrial discharges must not affect the receiving water outside the mixing zone so that:
  - (1) The temperature of the receiving water or of downstream waters will interfere with designated beneficial uses.
  - (2) Daily and seasonal temperature cycles characteristic of the water body are not maintained.
  - (3) If the water is designated for cold water aquatic life,

seasonal cold water aquatic life, or salmonid spawning, the induced variation is more than plus one (+1) degree C.

- (4) If temperature criteria for the designated aquatic life use are exceeded in the receiving waters upstream of the discharge due to natural background conditions, then item (3) above does not apply and instead wastewater must not raise the receiving water temperature by more than three tenths (0.3) degrees C.

The IDEQ does not currently have the data to determine that temperature exceedances upstream of the Glanbia facility are due to natural background conditions. Until such a determination is made, provision (4) above cannot be implemented.

The instream temperature criterion for the Little Wood River is 19 °C as a maximum daily average and 22 °C as an instantaneous maximum. Because the flow in the Little Wood River is so variable and the stream is at times effluent dominated, the EPA followed a conservative approach to establish effluent limits for temperature, and has required that the criteria be met at end of pipe.

Based on effluent monitoring data, Glanbia will not be able to meet this limit. State water quality standards (IDAPA 16.01.02.400.03) indicate that discharge permits for point sources may incorporate schedules of compliance which allow a discharger to phase in, over time, compliance with water quality-based effluent limitations when new limitations are in the permit for the first time. Glanbia may request a compliance schedule from IDEQ which will be included in the state 401 certification of this permit. Federal requirements for schedules of compliance are specified under 40 CFR § 122.47 and include submittal of annual progress reports to EPA. Based on preliminary comments from IDEQ, the draft permit proposes the following milestones in regard to the annual reports. If Glanbia does not request a compliance schedule and one is not included in the 401 certification by the state, then EPA will

remove the milestones and annual report requirements from the permit.

(1) The permittee must achieve compliance with the effluent limitations for temperature and phosphorus by November 1, 2004

(2) After 12 months of monitoring, EPA and IDEQ will establish final effluent limits which will become binding on the facility. The facility must be in compliance with the final effluent limitations as soon as practicable and in no event not later than the expiration date of the permit.

d. Dissolved Oxygen: The Idaho water quality standards for waters designated for cold water biota (IDAPA 58.01.02.250.02.a.) require that dissolved oxygen concentrations must exceed 6.0 mg/L at all times.

Due to the lack of historical receiving stream monitoring data (i.e., D.O. and BOD) for the Little Wood River, modeling to determine the potential dissolved oxygen sag could not be conducted.

However, the minimum dissolved oxygen concentration specified in the state water quality standards is proposed in the draft permit. In addition, the draft permit proposes monitoring requirements for BOD and dissolved oxygen to assist in the evaluation of future effluent limitations (see also Section IV).

The proposed monitoring frequency is daily in order to determine compliance with state water quality standards (IDAPA 58.01.02.250.02.a.) and the proposed effluent limitations which are based on the monitoring data of the effluent from the Glanbia Foods facility in Gooding, Idaho.

e. Nutrients: Idaho water quality standards (IDAPA 58.01.02.200.06) specify narrative criteria which require that 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. Furthermore, numeric criteria are specified in Idaho water quality standards for ammonia (IDAPA 58.01.02.250.02.c. and 58.01.02.250.02.e.iii) and for nitrate and nitrite (IDAPA 58.01.02.252.02.).

- (1). Excess Nutrients. The draft permit proposes that the facility meet a narrative standard for excess nutrients.
- (2). Total Ammonia (NH<sub>3</sub> as N): IDEQ-Twin Falls indicated there are no ammonia or pH data on the Little Wood River in the area of the Glanbia discharge. Further, there are no effluent ammonia data for the facility. Therefore, the draft permit includes monitoring of the effluent as well as the river to assist in the evaluation of future effluent limitations and the TMDL which is scheduled to be completed in calendar year 2004.
- (3). Nitrate-Nitrite as N. Idaho water quality standards (IDAPA 58.01.02.250.03.b) specify the use of “Water Quality Criteria 1972 (Blue Book), Section V, Agricultural Uses of Water” when developing specific criteria to protect waters designated as agricultural water supplies. The numeric criteria of 100 mg/L nitrate-nitrite as N is listed for agricultural water supplies intended as drinking water for livestock. Based on the Glanbia application, the maximum potential discharge of nitrate-nitrite would be 2.6 mg/L (13#/day) at a maximum documented flow of 0.6 MGD. There is no reasonable potential for this discharge to violate the state water quality standards.

The draft permit does not propose any effluent limitations for nitrate-nitrite because there is no reasonable potential for the discharge to cause an exceedance of the applicable water quality criteria.

- (4). Nitrite as N. Idaho water quality standards (IDAPA 58.01.02.250.03.b) specify the use of “Water Quality Criteria 1972 (Blue Book), Section V, Agricultural Uses of Water” when developing specific criteria to protect waters designated as agricultural water supplies. The numeric criteria of 10 mg/L nitrite as N is listed for agricultural water supplies intended as drinking water for livestock. While there are no separate data for nitrite, based on the information available for nitrate, and using the same design criteria, there is no reasonable potential for the discharge to cause an exceedance of the applicable water quality criteria.
- (5). Total Phosphorus as P. As indicated in Section II.C., federal regulations 40 CFR 122.44(d)(1)(vii)(B) require EPA to include effluent limitations for a discharge based on waste load allocations (WLAs) specified in an approved TMDL. The TMDL for the Little Wood River is scheduled to be completed by the end of calendar year 2004. A reopener clause is included in the draft permit to allow inclusion of any waste load allocations that may be developed for the Glanbia discharge. In the interim, the IDEQ has required that the discharge meet an instream phosphorus limit of 0.1 mg/L

f. Hazardous Materials

In accordance with Idaho water quality standards (IDAPA 58.01.02.200.01), the surface waters of the state shall be free from hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses.

The draft permit proposes that the facility meet a narrative standard for hazardous materials.

g. Toxic Substances

In accordance with Idaho water quality standards (IDAPA 58.01.02.200.02) and Section 101(a)(3) of the Clean Water Act, surface waters of the state shall be free from toxic substances in concentrations that impair designated beneficial uses.

The draft permit proposes that the facility meet a narrative standard that the facility shall not discharge chemicals or toxic pollutants in toxic amounts.

h. Deleterious Materials

In accordance with Idaho water quality standards (IDAPA 58.01.02.200.03), the receiving waters of the state shall be free from deleterious materials in concentrations that impair beneficial uses.

The draft permit proposes that the facility meet a narrative standard for deleterious materials.

i. Floating, Suspended or Submerged Matter

In accordance with Idaho water quality standards (IDAPA 58.01.02.200.05), the receiving waters of the state shall be free from floating, suspended or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that impair designated beneficial uses.

The draft permit proposes that the facility meet a narrative standard for floating, suspended and submerged matter.

j. Excess nutrients (IDAPA 58.01.02.200.06)

**(see Section III.B.5.a.)**

k. Oxygen-demanding materials (IDAPA 58.01.02.200.07)

**(see Section III.B.4.)**



C. Antidegradation

The state of Idaho has adopted an anti-degradation policy (IDAPA 58.01.02.051) as part of their water quality standards. The anti-degradation policy represents a three-tiered approach to maintain and protect various levels of water quality and uses. The Little Wood River at Glanbia's point of discharge is classified as a Tier 1 water. Tier 1 waters shall be protected and maintained for existing water uses. EPA is requesting that the state of Idaho certify that its 401 certification, that the conditions and requirements within the permit are consistent with and protective of the designated uses of the receiving waters.

IV. MONITORING REQUIREMENTS

Section 308 of the Clean Water Act and federal regulation 40 CFR §122.44(i) requires that monitoring be included in permits to determine compliance with effluent limitations. Additionally, monitoring may be required to gather data for future effluent limitations or to monitor effluent impacts on receiving water quality. 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. The permittee is responsible for conducting the monitoring and for reporting results with Discharge Monitoring Reports (DMRs) to EPA.

A. Summary of Effluent Monitoring Requirements in Draft NPDES Permit

The proposed effluent monitoring requirements are summarized in Table 1 and described in Section III. Effluent Limitations.

B. Summary of Receiving Water Monitoring Requirements in Draft NPDES Permit

The purpose of receiving water monitoring is to determine water quality conditions as part of the effort to issue the permit and evaluate the reasonable potential for the discharge to cause the receiving waters to not meet state water quality criteria. Table 2 summarizes the receiving water monitoring requirements proposed in the draft permit **whenever Glanbia is discharging to the Little Wood River:**

Table 2: Receiving Water Monitoring Requirements					
Parameter	Units	Method Detection Limit (MDL)	Monitoring Location	Sample Frequency	Sample Type
Flow	cfs	--	up- & downstream	continuous	recording
pH	s.u.	--	up- & downstream	monthly	grab
Temperature	°C	--	up- & downstream	continuous	recording
Dissolved Oxygen (DO)	mg/L	0.050	up- & downstream	monthly	grab
BOD	mg/L	—	up- & downstream	monthly	grab
Total Ammonia as N	mg/L	0.010	up- & downstream	monthly	grab
Total Phosphorus as P	mg/L	0.010	up- & downstream	monthly	grab

1. Flow

The draft permit proposes receiving water monitoring requirements for flow of the Little Wood River to assist in future efforts to evaluate the reasonable potential for the discharge to cause or contribute to the receiving waters not meeting state water quality criteria for temperature, nutrients, and dissolved oxygen.

2. Hydrogen ion concentration (pH)

The draft permit proposes receiving water monitoring requirements for pH to assist in future efforts to evaluate the reasonable potential for the discharge to cause or contribute to the receiving waters not meeting state water quality criteria for ammonia.

3. Temperature

Idaho water quality standards specify numeric temperature and ammonia criteria for waters designated for cold water biota (IDAPA 58.01.02.250.02.b. and c.). The draft permit proposes receiving water monitoring requirements for temperature to assist in future efforts to evaluate the reasonable potential for the discharge to cause or contribute to the receiving waters not meeting these state water quality criteria.

4. Dissolved Oxygen

Idaho water quality standards specify numeric dissolved oxygen criteria for waters designated for cold water biota (IDAPA 58.01.02.250.02.a.).

The draft permit proposes receiving water monitoring requirements for dissolved oxygen to assist in future efforts to evaluate the reasonable potential for the discharge to cause or contribute to the receiving waters not meeting state water quality criteria.

## V. OTHER PERMIT CONDITIONS

### Quality Assurance Plan (QAP)

The federal regulation 40 CFR §122.41(e) requires the permittee to ensure adequate laboratory controls and appropriate quality assurance procedures in order to properly operate and maintain all facilities which it uses. Therefore, the draft permit requires the permittee to develop a QAP that will 1) assist in planning for the collection and analysis of samples in support of the permit, 2) ensure that the monitoring data submitted are accurate and 3) explain data anomalies if they occur. The QAP shall consist of standard operating procedures the permittee must follow for collecting, handling, storing and shipping samples, laboratory analysis, and data reporting. The permittee is required to notify EPA and IDEQ that the QAP has been developed and implemented within 120 days of the effective date of the draft permit.

EPA recommends the following references when developing an adequate QAP:

- ◆ Requirements for Quality Assurance Project Plans, EPA QA/R-5.

- ♦ Guidance for Preparation of Quality Assurance Project Plans, EPA, Region 10, Quality and Data Management Program, QA/G-5
- ♦ You and Quality Assurance in Region 10, EPA, Region 10, Quality and Data Management Program, March 1988.
- ♦ The Volunteer Monitors Guide to Quality Assurance Project Plans, EPA 841-B-96-003, September 1996.
- ♦ Internet site: <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>.

## VI. OTHER LEGAL REQUIREMENTS

### A. Endangered Species Act

Section 7 of the Endangered Species Act (ESA) requires federal agencies to request a consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) regarding potential effects an action may have on listed endangered species.

The U.S. Fish and Wildlife Service website identified the following species as being found in Gooding county: Gray wolf (XN - Experimental/Non-essential population); Bald eagle (LT - Wintering/nesting area); Snake River physa snail - LE; Bliss Rapids Snail - LT; Utah Valvata snail - LE; Idaho springsnail - LE; and Banbury Springs lanx - LE. The National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) website did not list any anadromous fish species that are either proposed, listed or candidates for listing under the Endangered Species Act known to occur in the Little Wood River in the vicinity of the discharge. The discharge is not located within designated or proposed critical habitat for any species under NMFS' jurisdiction.

The EPA has determined that issuance of an NPDES discharge permit for the Glanbia Foods facility in Gooding is not likely to affect any of the listed species. Hunting and habitat destruction unrelated to wastewater treatment facility operations are the primary causes of the gray wolf's decline. Specific threats to bald eagles identified by the U.S. Fish and Wildlife Service include logging, overgrazing of cottonwood saplings, agricultural development, lowered food supply, pesticide contamination, hydroelectric dams, shooting, recreation-related human disturbance, use of strychnine, and possible lead poisoning. None of these

threats are related to the discharge of noncontact cooling water from the Glanbia facility. The following threats apply to all of the snail species: free-flowing, cold water environments have been altered by reservoir development, hydroelectric development, river diversions and habitat modification. Water quality has deteriorated due to altered natural flow and agricultural pollution. None of these threats are related to the discharge from the Glanbia facility. The point of discharge is approximately 20 miles from the Snake River where the snails are located which further reduces the likelihood of any affect on the snails.

EPA will provide USFWS and NMFS with copies of the draft permit and fact sheet during the public notice period. Any comments received from these agencies regarding this determination will be considered prior to issuance of this permit.

B. State Certification

Section 401 of the Clean Water Act requires EPA to seek state certification before issuing a final permit. This certification by the state of Idaho ensures that federally issued permits are in compliance with the laws of the state. As a result of the certification, the state may require more stringent permit conditions or additional monitoring requirements to ensure that the permit complies with water quality standards. EPA is requesting the State of Idaho to review and provide appropriate certification to this NPDES permit pursuant to 40 CFR §124.53. Additionally, in accordance with 40 CFR §124.10(c)(1), public notice of the draft permit has been provided to the State of Idaho agencies having jurisdiction over fish, shellfish and wildlife.

C. Permit Expiration

This permit will expire five years from the effective date of the permit.

D. Facility Changes or Alterations

In accordance with 40 CFR §122.41(l) and IDAPA 58.01.02.401.01, the facility is required to notify EPA and IDEQ of any planned physical alteration or operational changes to the facility. This requirement has been incorporated into the proposed permit to ensure that EPA and IDEQ are notified of any potential

increases or changes in the amount of pollutants being discharged and evaluate the impact of the pollutant loading on the receiving water.

## VII. REFERENCES

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

EPA. 1996. *U.S. EPA NPDES Permit Writer's Manual*. U.S. Environmental Protection Agency, Office of Water, EPA/833/B-96-003.

IDAPA. 2002. *Water Quality Standards and Wastewater Treatment Requirements*. Idaho Department of Environmental Quality Rules, Title 01, Chapter 02.

## VIII. ACRONYMS

BPJ	Best Professional Judgment
°C	Degrees Celsius
CFR	Code of Federal Regulations
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DO	Dissolved Oxygen
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
lb	pounds
mg/L	milligrams per liter
mL	milliliter
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
OW	Office of Water
P	Phosphorus
QAP	Quality assurance plan
s.u.	Standard units
sp.	Species

TMDL	Total Maximum Daily Load
TRC	Total residual chlorine
TSD	Technical Support document (EPA, 1991)
USFWS	U.S. Fish and Wildlife Service
WLA	Waste load allocation
WQBEL	Water quality-based effluent limit
WQLS	Water quality limited segment
WWTP	Wastewater treatment plant

APPENDIX A

MAP







