



## Idaho Department of Environmental Quality FINAL §401 Water Quality Certification

October 5, 2007

### NPDES Permit Numbers:

- IDG-130000** Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads
- IDG-131000** Cold Water Aquaculture Facilities in Idaho (not subject to Wasteload Allocations)
- IDG-132000** Fish Processors associated with Aquaculture Facilities in Idaho
- ID-002826-6** Epicenter Aquaculture

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC 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 Pollution Discharge Elimination System (NPDES) permits and issue water quality certification decisions.

DEQ certifies that if the permittees comply with the terms and conditions imposed by the above-referenced permits along with the condition set forth in this water quality certification, then there is reasonable assurance the discharges will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02).

This certification does not constitute authorization of the permitted activities by any other local, 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, any approval, if one is required, from the owner of a water conveyance system to use the system in connection with the permitted activities.

### **PERMIT CONDITIONS THAT REQUIRE SPECIFIC STATE AUTHORIZATION**

#### *Pollutant trading*

Pollutant trading may occur provided it is conducted in accordance with DEQ's *Pollutant Trading Guidance*.

### **CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH WATER QUALITY STANDARDS**

#### *Seasonal load allocations for Smith Farm Ponds*

In order to comply with the Upper Snake Rock total maximum daily load (TMDL), the net total suspended solids (TSS) average monthly limits and maximum daily limits for Smith Farm Ponds (IDG-130090) should be changed as stipulated in Table 1.

Table 1. Appropriate seasonal water quality based effluent limitations for Smith Farm Ponds (IDG-130090).

Season	AML (lbs/day)	MDL (lbs/day)
March through May	274.0	520.5
September through November	454.2	863.1

lbs/day: pounds per day

Note: The AML for March through May is more stringent than what was included in the proposed final permit. Conversely, the AML for September through November is less stringent than what was included in the proposed final permit.

### **RIGHT TO APPEAL FINAL CERTIFICATION**

This final Section 401 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 this certification.

Questions regarding the actions taken in this certification should be directed to Johnna Sandow, State Office IDEQ at (208) 373-0163 or [Johnna.Sandow@deq.idaho.gov](mailto:Johnna.Sandow@deq.idaho.gov).



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Barry N. Burnell

Water Quality Division Administrator