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Phosphorus/Clean Water Act: U.S. EPA Environmental Appeals Board Petition Challenging Sandpoint, Idaho NPDES Permit

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The Idaho Conservation League (“ICL”) filed a July 11th Petition for Review (“Petition”) before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”) challenging certain conditions in a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit issued to the City of Sandpoint, Idaho.

The challenged NPDES permit was issued to the City of Sandpoint on June 8th by the Region 10 Office of EPA for operation of a wastewater treatment plant.

The Sandpoint permit is a renewal of a previous NPDES permit. It authorizes the wastewater treatment plant to discharge treated municipal wastewater into the Pend Oreille River.

ICL contends that EPA violated the Clean Water Act and Administrative Procedure Act by:

... issuing NPDES Permit No. ID0020842, which authorizes effluent limits for total phosphorus based on mixing zones greater than 25% of the streamflow volume of the Pend Oreille River.

The organization contends that EPA issued a permit that:

... does not satisfy the State of Idaho’s Water Quality Standards because the Region misapplied Idaho’s EPA-approved mixing zone rule.

As a result, it argues:

- Idaho’s EPA-approved mixing zone requires the Idaho Department of Environmental Quality to limit the size of mixing zones to no more than 25% of the volume of the streamflow
- 33 U.S.C. § 1311(b)(1)(C) was violated because the permit effluent limits for total phosphorus were based on mixing zones which exceed 25% of the streamflow volume

A [copy of the Petition](#) (without the attachments) can be downloaded here.