

Ammonia/Clean Water Act: City of Nezperce, Idaho Challenges NPDES Ammonia Limit Before the U.S. EPA Environmental Appeals Board



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08/02/2019

The City of Nezperce, Idaho, (“City”) submitted a July 25th Petition for Review (“Petition”) challenging a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) ammonia permit limit for its wastewater treatment plant (“Plant”).

The Petition was filed before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”).

The City states that an NPDES permit (“Permit”) was issued to the Plant on June 25th. The Permit was issued by the Region 10 Office of the agency. It authorizes the Plant to discharge treated wastewater to Long Hollow Creek.

The issued NPDES Permit is stated to include:

Effluent limitations for total ammonia (as nitrogen) of 0.5 mg/L and 0.4 lbs/day as a monthly average and 1.1 mg/L and 0.8 lbs/day as a daily maximum.

The Plant is stated to have not been previously subject to NPDES Permit limits addressing ammonia.

The City contends that EPA’s failure to provide a schedule of compliance to allow the Plant time to achieve new water quality-based effluent limitations for ammonia is based on erroneous findings of fact and conclusions of law. It further states that EPA failed to properly respond to comments submitted by the City requesting a schedule of compliance for ammonia and setting forth the reasons such a schedule is needed.

The City requests that the Permit be remanded to EPA for inclusion of a schedule of compliance to allow time to achieve the new ammonia limitations. An alternative proposed is that the Permit be remanded for EPA to fully consider and respond to the City’s comments requesting a schedule of compliance for ammonia.

The City’s arguments include:

- Both federal and Idaho laws authorize the inclusion of schedules of compliance within NPDES permits
- Nezperce satisfied all conditions necessary to qualify for a schedule of compliance for ammonia
- EPA has provided a schedule of compliance for ammonia for another discharger under similar circumstances

- EPA violated federal and state law, and its own guidance, by failing to grant Nezperce a schedule of compliance for ammonia
- EPA was required to duly consider and meaningfully respond to the Nezperce request for a schedule of compliance for ammonia
- EPA failed to duly consider and meaningfully address Nezperce Comment 14 requesting a schedule of compliance for ammonia

A copy of the Petition can be found [here](#).