Call to Order and Pledge to Flag

Invocation – Caleb Vogel – Saint Paul's Catholic Church

Roll Call

Proposed Amendments to Agenda

(1) Consent Agenda (Action Items)

All matters listed within the Consent Agenda are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember or citizen so requests in which case the item will be removed from the Consent Agenda and placed on the Regular Agenda.

1-1. Minutes
   a. Regular Council – March 4, 2019
   b. Special Council - March 6, 2019

1-2. The City Council dispenses with the Three (3) Reading Rule of Idaho Code § 50-902 for all ordinances

1-3. Final Plat Approvals
   a. Carriage Hill West Subdivision No. 2 on the east side of Midway Rd between W Iowa Ave and Lake Lowell Ave.  (A portion of the NW ¼ of Section 31 T3N R2W BM – 44 Single Family Residential lots on 11.25 acres, or 3.91 lots/gross acre) for Engineering Solutions, LLP, representing Toll Southwest, LLC (SPF-00082-2019).
   b. Lava Peak Subdivision at the SW corner of the intersection of E Locust Lane and Southside Blvd in the NE ¼ of Section 11 T2N R2W BM – 29 Single Family Residential lots on 6.85 acres, or 4.23 lots/gross acre) for Matt Schultz representing Quatro Properties Nampa, Inc. (SPF-00083-2019)
   c. Canyon Creek Subdivision No. 5 on the west side of Can-Ada Rd between Cherry Lane and Ustick Rd at 17447 N Can Ada Rd.  (A parcel of land located in the SE ¼ of Section 1 T3N R2W BM – 47 buildable lots on 15.53 acres for 3.23 lots per gross acre) for Bailey Engineering representing Toll Southwest, LLC (SPF-00084-2019).
   d. Request for a Second 1-Year Extension of Preliminary Plat Approval for Silver Star Subdivision in an RS-8.5, RS-12 and RS-18 (Single Family Residential – 8,500 sq. ft, 12,000 sq. ft and 18,000 sq. ft) zoned area west of Star Rd and south of Ustick Rd (234 Single Family Residential Lots on 85.07 acres, 2.75 dwelling units per acre – a portion of the NW ¼ of Section 5 T3N R1W BM), for Engineering Solutions, LLP representing Star Development, Inc.  (SPP-00014-2017 formerly SUB660-15). Request to extend 10/10/2017 approval which expired 02/15/2019 to 02/15/2020
e. Request for a First 1-Year Extension of Subdivision Final Plat Approval for Modena Subdivision at 17590 N Franklin Blvd. (A portion of the N ¼ Section 2 T3N R2W BM, located on the east side of N Franklin Blvd, one half mile south of Ustick Rd – 32 Single Family Residential lots on 11.74 acres or 2.73 lots/gross acre) for 1099 LLC (SPF-00046-2018). Request to extend 03/13/2018 approval which expires 03/13/2019 to 03/13/2020

1-4. Authorize Public Hearings
   a. Annexation and Zoning to BC (Community Business) at 0 Star Road (Parcel R3036301200) on the south side of Ustick Road east of Star Road for access to City utilities for a mixed-use development (A 4.72-acre parcel situated in the NW ¼ Section 5 T3N R1W BM, Tax 99106 in Lot 4) for Matt Garner representing JABR LLC – Justin Reynolds and Alan Bean (ANN 00112-2019)

1-5. Authorize to Proceed with Bidding Process
   a. Authorize the Engineering Division to proceed with the formal bidding process for the Zone E Sewer Rehab FY19 project (as approved in FY19 Budget)

1-6. Authorization for Execution of Contracts and Agreements
   a. Approve Renewal of Request for Qualifications (RFQ) Fiscal Years 2018-2019 Miscellaneous Professional Services Term Agreements from October 1, 2019, through September 30, 2020 (Fiscal Year 2020), and Authorize Public Works Director to Sign Renewal Agreements with First Choice Roster City Consultants (reviewed & approved by legal counsel)
   b. Authorize Mayor to Sign First Amendment to Nampa Airport Land Lease Agreement, Assigning the Interest of Joseph D. Ballenger to The Ballenger Family Revocable Living Trust, for Lot 2346 at the Nampa Municipal Airport (reviewed & approved by legal counsel)

1-7. Finding of Fact
   a. Appeal of the Denial of CUP for James R. Wiley

   a. February 2019

1-9. Resolutions
   a. None

1-10. Correct Irrigation Assessments Pursuant to Idaho Code 50-1807

1-11. Licenses for 2018
   a. Alcohol Licenses (See Attached List)

1-12. Approval of Agenda
(2) Proclamations

2-1. Sanctity of Human Life Month
2-2. Census 2020 Awareness Day

Nampa Residents Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (5 persons limit) (3 Minute Limit)

Mayor & Council Comments

(3) Agency/External Communications

3-1. Republic Services, Request to reroute Nampa residential accounts - Rachele Kline
3-2. Traveling Table Food Pantry Presentation – Claudia Dina

(4) Staff Communications

4-1. Public Works Department Staff Report - Tom Points
4-2. Facilities Update – Patrick Sullivan

(5) New Business

5-1. Action Item: Appointment of Kirk Carpenter as Nampa Fire Chief
5-2. Action Item: Authorize Public Works Director to Sign and Submit the Recycled Water Reuse Permit Application to the Idaho Department of Environment Quality for the City of Nampa
5-3. Action Item: Authorize Mayor to Sign Amendment to Nampa Municipal Airport Taxilane Pavement Construction Agreement with Mad River, LLC, relieving Mad River’s Obligation of Installing the Taxilane C-4 Extension Improvement
5-4. Action Item: Authorize Mayor to Sign:
   a. Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC dated June 18, 2018
   b. Nampa Municipal Airport Land Lease Agreement with KMAN, LLC, effective February 20, 2019, for Lot 2022 (reviewed & approved by legal counsel)
5-5. Action Item: Reappointment of Bruce Wiley to the Nampa Bicycle and Pedestrian Advisory Committee
5-6. Action Item: Approve the Community Development Block Grant 2019 application guidelines as presented

*Or as Soon After 7:00 PM as Each Matter may be Heard
5-7. **Action Item:** Request for approval to increase the grant award related to the Family Justice Center Roofing and HVAC Renovation

5-8. **Action Item:** Award Bid and Authorize Mayor to sign the contract with Garland/DBS, Inc. for the Roof Replacement, Electrical Work and Mechanical Work at the Mangum Building. The project is funded by CDBG

5-9. **Action Item:** Award Bid and Authorize Mayor to sign the contract with TVR, Inc. for the Replacement of the City Hall Chiller

5-10. **Action Item:** Resolution of Intent to Create the LID (Exhibit B) and authorization to hold a Public Hearing on April 1, 2019, for consideration of the City’s intention to create Utility LID 163

5-11. **Action Item:** Discussion of National League of Cites Service Line Agreement

### (6) Public Hearings

6-1. Annexation and Zoning to RS 6 (Single-Family Residential – 6,000 sq. ft. for 92.72 acres) and to BC (Community Business) for 2.44 acres for Summit Ridge Subdivision at the SW corner of W. Greenhurst Rd. and S. Midland Blvd. (A 95.16-acre parcel of land situated in Government Lots 1 & 2 in the N ½ of the NE ¼ of Section 5, T2N, R2W, BM) for M3 Companies, Mark Tate (ANN 108-18)

6-2. Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 W. St. Luke’s Dr., 9850 W. St. Luke’s Dr., 9860 W. St. Luke’s Dr., 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW ¼ of Section 9, T3N, R2W, BM) for The Land Group representing St. Luke’s Regional Medical Center LTD (ZMA 103-18)

6-3. Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane (Two parcels totaling 21.511 acres located in a portion of the NE ¼ of the NW ¼ of Section 9, T3N, R2W, BM) for The Land Group representing St. Luke’s Regional Medical Center LTD (ANN 110-18)

6-4. Annexation and Zoning to RS7 (Single-Family Residential – 7,000 sq. ft.) at 0 Northside Blvd. for Kinghorn Place Subdivision on the south side of Spruce St. west of Northside Blvd. (A portion of the SE ¼ of Section 33, T4N, R2W, BM) for Trilogy Idaho-Corey Barton (ANN 111-18)

6-5. Public Hearing for creation of LID 167

### (7) Unfinished Business

7-1. **Action Item:** Resolution for Parking Management Policy Adoption for Downtown Nampa (reviewed & approved by legal counsel)

Page 4 of 6

*Or as Soon After 7:00 PM as Each Matter may be Heard*
(8) Pending Ordinances (Postponed Due to Lack of Supporting Documentation)

8-1. 1st reading of ordinance for Annexation and Zoning to Light Industrial at 58 and 0 N. Kings Rd. for construction of Storage Units (A combined 3.87 acre or 168,577 sq. ft. portion of the South Half of the NW ¼ of the SW ¼ of Section 24, T3N, R2W, BM) for Cody Lane-Trek Investment Group (PH was 9-17-2018)

8-2. 1st reading of ordinance for Annexation and Zoning to RD (Two-Family Residential) for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for Pontifex Capital, LLC represented by Bob Taunton, Taunton Group LLC (ANN 105-18) (PH was 1-22-2019)

8-3. 1st reading of ordinance for modification of an Annexation and Zoning Development Agreement (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for Kent Brown representing FIG Laguna Farms LLC (DAMO 027-18) (PH was 2-4-2019)

8-4. Annexation and Zoning to IL (Light Industrial) at 0 Cherry Lane (Parcel R30839011A0) for construction of a Warehousing facility (Tax 03066 – 24.39-acre portion of the south half of the SE ¼ of Section 4 T3N R2W BM), for Richard Evans (ANN-00109-2018). (PH was 2-19-2019)

(9) Executive Sessions

9-1. Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

Adjourn

Next Meeting

Regular Council at 6:00 PM – Monday April 1, 2019 - City Council Chambers

♦ Individuals, who require language interpretation or special assistance to accommodate physical, vision, hearing impairments, please contact the City Clerk’s Office at Nampa City Hall, (208) 468-5426. Requests should be made at least five (5) days prior to the meeting to allow time to arrange accommodations

Page 5 of 6

*Or as Soon After 7:00 PM as Each Matter may be Heard
Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the City Clerk.
Mayor Kling called the meeting to order at 6:00 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield, Skaug were present. Councilmember Hogaboam came in 15 minutes late.

✦ (1) Consent Agenda (Action Items) ✦

Mayor Kling amended the agenda by removing item #3-1. Traveling Table Food Pantry Presentation – Claudia Dina and item #4-3. Facilities Update by Patrick Sullivan and by amending item #7-1. by removing the word reappointment (both were new appointments).

MOVED by Haverfield and SECONDED by Rodriguez to approve the Consent Agenda with the above mentioned amendment; Regular Council Minutes of February 19, 2019; Special Council Minutes of February 19, 2019 and Special Council Minutes (Comp Plan) of February 21, 2019; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes; Planning & Zoning Commission Minutes of February 12, 2019; Library Commission Minutes; bills paid; The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; final and preliminary plat approvals: 1) Final Plat Approval for Sunny Ridge at White Hawk Subdivision at the southwest corner of E Greenhurst Rd and Sunny Ridge Rd (18 fourplex lots and 1 duplex lot on 8.36 acres for 8.85 dwelling units/gross acre – A portion of Lots 2 and 3 of Asselin’s Subdivision, situated in Government Lot 3 of Section 3 T2N R2W BM) for JUB Engineers, representing TG Development; Authorize Public Hearings: 1) Proposed Nampa City Code Text Amendments to Sections of Nampa City Code Titles 6, 7, 9 and 10 as follows: a) Amendment of Title 6, Chapter 2, Section 20, pertaining to Canine Licensing. b) Amendment of Title 7, Chapter 2, Section 16, pertaining to parking of vehicles in specified places. c) Amendment of Title 9, Chapter 1, Section 9, pertaining to the parking of an “unauthorized dwelling unit” on public rights-of-way(s). d) Amendment of Title 10, Chapter 1, Section 2: Definitions; adding and/or transferring to said section definitions of/or: “Appropriate Historic Hues”, As Built Roof”, Building Expansion”, striking “Congregate Residence”, adding “Early Twentieth Century Architecture”, “Facade Improvements”, striking “Foster Daily Care Home”, adding “Historic Storefront Pattern”, “Historic Structure”, Original Architectural Character”, “Original Building”, “Pedestrian Amenities”, “Photometric Test Report”, supplementing the definition of “Recreational (Hobby) Vehicle/Trailer”, adding “Rehabilitation”, “Remodel”, “Residential Infill Subdivision”, deleting “Story”, adding “Structure, Contributing”, “Structure Non-Contributing”, “Traditional Building Materials”, “Traditional Building Width”, “Transparency”, augmenting “Vision Clearance”. e) Amendment of Title 10, Chapter 1, Section 5, regarding conformance of projects to entitlements issued. f) Amendment of Title 10, Chapter 1, Section 18 regarding vision triangles. g) Amendment of Title 10, Chapter 1, Section 19 refining existing standards for self/mini-storage projects in RP and BN Zones. h) Amendment of Title 10, Chapter 2, Section 10 regarding requests for reconsideration. i) Amendment of Title 10, Chapter 3, Section 2 regarding professional offices, medical/dental offices and non-professional/non-medical office types. j) Amendment of Title 10, Chapter 4, Section 5 correcting GB 2 Zone regulations
Regular Council  
March 4, 2019

for minimum property size relating to non-multiple family dwellings. k) Amendment to Title 10, Chapter 4, Section 9 clarifying required development improvements, landscaping requirements, and eliminating a berming requirement and landscaping code relevant to the railroad in the GB 2 Zone. l) Amendment to Title 10, Chapter 4, Section 10 requiring enclosures for trash receptacles. m) Amendment to Title 10, Chapter 8, Section 5 to include a limited number of varying refinements. n) Amendment to Title 10, Chapter 8, Section 6 to add a RS4 zoning designation with associated standards. o) Amendment of Title 10, Chapter 15, Section 9 deleting definitions being moved to Title 10, Chapter 1, Section 2. p) Amendment of Title 10, Chapter 15, Section 6 deleting and revising references to definitions. q) Amendment of Title 10, Chapter 16, Section 11 regarding trash enclosure screening. r) Amendment of Title 10, Chapter 21, Section 3 pertaining to the number of dogs kept on a property in coordination with contemplated changes to Title 6, Chapter 2, Section 20. s) Amendment of Title 10, Chapter 22, Section 4 to clarify parking requirements for multi-structure developments. t) Amendment of Title 10, Chapter 22, Section 5 to clarify provisions pertaining to Site Improvement Permits. u) Amendment of Title 10, Chapter 22, Section 6 to clarify requirements pertaining to the P-2 parking district, single-family dwellings, two through multiple-family parking requirements, and offices. v) Amendment of Title 10, Chapter 22, Section 20 to allow two subdivision identification signs per entry. w) Amendment of Title 10, Chapter 23, Section 2 to add definitions. x) Amendment of Title 10, Chapter 23, Section 8 to address abandonment of billboard signs. y) Amendment of Title 10, Chapter 23, Section 20 to allow two subdivision identification signs per entry. z) Amendment of Title 10, Chapter 24, Section 2 to improve grammar. aa) Amendment of Title 10, Chapter 25, Section 15 repealing and re-enacting the section to improve formatting and grammar, clarify scope and effect of modifications to CUP. bb) Amendment of Title 10, Chapter 27, Section 2 providing requirements for filing of applications to re-plat or convert common lots. cc) Amendment of Title 10, Chapter 27, Section 4 respecting master communities, infill developments, RS 4 developments, new requirements for infill and standard subdivisions (including in RS 4 Zones), qualifying regulations for “infill” subdivisions, short plat allowance and effectiveness clarifications. dd) Amendment of Title 10, Chapter 27, Section 6 path/bikeway inter and intra-connectivity requirements. ee) Amendment of Title 10, Chapter 27, Section 12 regarding correcting or amending plats including situations affecting common properties. ff) Amendment of Title 10, Chapter 29, Section 3 clarifying manufactured home dimension requirements and adjusting grammar. gg) Amendment of Title 10, Chapter 33, Section 4 to authorize the City of Nampa Forester to participate in and reviewing commercial plans submitted to the City of Nampa for permit(s);  

**Authorize to Proceed with Bidding Process:** 1) None; **Authorization for execution of Contracts and Agreements:** 1) Authorize Piggyback Purchase of Chip and Fog Sealing Oils from Idaho Asphalt Supply, at an Estimated Cost of $327,000.00, for Street Division; 2) Authorize Immediate Piggyback Purchase of 7,000 Gallons of Traffic Paint from Ozark Materials LLC, Contract TO19-01, at an Estimated Cost of $66,430.00, for Street Division; **Monthly Cash Report:** 1) None; **Resolutions:** 1) Disposal of Library Property; License for
2018: 1) **Sizzler Steakhouse**, 201 Caldwell Boulevard, on-premise beer and wine; **Costco**, 16700 North Market Place, off-premise beer and wine; **IOU Sushi**, 2107 North Cassia, on-premise beer, wine and liquor; **Shari’s Management Corp**, 1807 Caldwell Boulevard, on-premise beer and wine; **Nampa Aerie #2103 FOE, Eagles**, 118 11th Avenue North, on-premise beer, wine and liquor; **Miscellaneous Items**: 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the MOTION CARRIED

♦️ (2) Proclamation ♦️

**Item #2-1**: None

♦️ Mayor Kling asked if there was any Nampa Residents wishing to speak on any agenda item were (5 persons limit): ♦️

- Joan Frazier, talking about Smoking at the Library
- Debbie Holm, 114 Meyer Avenue, talking about Smoking at the Library

♦️ Mayor Kling asked if there was any Nampa Residents wishing to speak on any item that was not on the agenda (5 persons limit): ♦️

- Nick Schlader, Nampa Basketball Academy, talking about getting City of Nampa support for a basketball tournament June 22, 23

♦️ Mayor Kling’s and Council Comments ♦️

- Councilmember Rodriguez, introduced Kathleen Pinkston and Sarah Tish that are attending NNU

♦️ (3) Agency/External Communications ♦️

**Item #3-1.** – Traveling Table Food Pantry Presentation – Claudia Dina was postponed until the March 18, 2019 Council meeting

**Item #3-2.** – Idaho Policy Institute – Presentation on the Treasure Valley Survey

Jeff Lyons, School of Public Service at BSU and Idaho Policy Institute gave the following results of a BSU/Treasure Valley Survey (results for residents of Nampa)

7. Thank you for that information, now I want to focus on getting your views about issues occurring in the Treasure Valley. Would you say that the Treasure Valley is growing too fast, too slow, or about right.
8. How would you rate the performance of your city government when it comes to handling growth issues—excellent, good, fair or poor?

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too Fast</td>
<td>101</td>
<td>68.7</td>
</tr>
<tr>
<td>Too Slow</td>
<td>3</td>
<td>2.0</td>
</tr>
<tr>
<td>About right</td>
<td>38</td>
<td>25.9</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>5</td>
<td>3.4</td>
</tr>
<tr>
<td>Total</td>
<td>147</td>
<td>100.0</td>
</tr>
</tbody>
</table>

9. Overall, do you think your local government has enough funding to deal with growth?

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, does have adequate funding</td>
<td>32</td>
<td>21.8</td>
</tr>
<tr>
<td>No, does not have adequate funding</td>
<td>92</td>
<td>62.6</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>23</td>
<td>15.7</td>
</tr>
<tr>
<td>Total</td>
<td>147</td>
<td>100.0</td>
</tr>
</tbody>
</table>
10. Traffic congestion on freeways and major roads.

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not a problem</td>
<td>4</td>
<td>2.7</td>
</tr>
<tr>
<td>Somewhat of a problem</td>
<td>37</td>
<td>25.2</td>
</tr>
<tr>
<td>Big problem</td>
<td>106</td>
<td>72.1</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>1037</td>
<td>100.0</td>
</tr>
</tbody>
</table>

11. Population growth and development

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not a problem</td>
<td>19</td>
<td>12.9</td>
</tr>
<tr>
<td>Somewhat of a problem</td>
<td>57</td>
<td>38.8</td>
</tr>
<tr>
<td>Big problem</td>
<td>64</td>
<td>43.5</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>7</td>
<td>4.8</td>
</tr>
<tr>
<td>Total</td>
<td>147</td>
<td>100.0</td>
</tr>
</tbody>
</table>

12. The availability of affordable housing

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not a problem</td>
<td>12</td>
<td>8.2</td>
</tr>
<tr>
<td>Somewhat of a problem</td>
<td>46</td>
<td>31.3</td>
</tr>
<tr>
<td>Big problem</td>
<td>84</td>
<td>57.1</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>5</td>
<td>3.4</td>
</tr>
<tr>
<td>Total</td>
<td>147</td>
<td>100.0</td>
</tr>
</tbody>
</table>
13. Availability of well-paying jobs

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not a problem</td>
<td>19</td>
<td>12.9</td>
</tr>
<tr>
<td>Somewhat of a problem</td>
<td>64</td>
<td>43.5</td>
</tr>
<tr>
<td>Big problem</td>
<td>58</td>
<td>39.5</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>6</td>
<td>4.1</td>
</tr>
<tr>
<td>Total</td>
<td>147</td>
<td>100.0</td>
</tr>
</tbody>
</table>

14. Would you support efforts to slow down the pace of land development, even if this meant having less economic growth.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>77</td>
<td>52.4</td>
</tr>
<tr>
<td>No</td>
<td>45</td>
<td>30.6</td>
</tr>
<tr>
<td>DK/Refused</td>
<td>25</td>
<td>17.0</td>
</tr>
<tr>
<td>Total</td>
<td>147</td>
<td>100.0</td>
</tr>
</tbody>
</table>

**Item #3-3.** – Saint Alphonsus – presentation of a Grant to the Mayors Teen Council

Robin Navert (Director of Development of Nampa Health Foundations for Saint Alphonsus) with Women of Vision along with Travis Leach, Annie Fertusco, Carrie Child and Trish Gross presented the Mayor’s Teen Council with a $3,000 grant check.

**(4) Staff Communications**

**Item #4-1.** – Public Works Director Tom Points presented a staff report to update the council on current projects as follows:

**Street Division Snow Removal Update** – Street Division crews continued winter maintenance activities on Friday, February 20, continuing through Wednesday, February
27, by applying salt brine and salt. The following highlights labor hours and material expenditures:

### Fiscal Year 2019 Totals

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>266.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>505.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Hours</td>
<td>772.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brine</td>
<td></td>
<td>74,161</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td></td>
<td>715</td>
<td></td>
</tr>
</tbody>
</table>

### Snow/Water Event No. 9 Report for February 26-27, 2019

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>8.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>50.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brine</td>
<td></td>
<td>1,650</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td></td>
<td>54</td>
<td></td>
</tr>
</tbody>
</table>

### Snow/Water Event No. 8 Report for February 20-21, 2019

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>176.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brine</td>
<td></td>
<td>23,180</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td></td>
<td>113</td>
<td></td>
</tr>
</tbody>
</table>

### Snow/Water Event No. 7 Report for February 8-10, 2019

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
</table>
Regular Council  
March 4, 2019

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overtime</strong></td>
<td>197.75</td>
<td></td>
</tr>
<tr>
<td><strong>Regular Hours</strong></td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td><strong>Water Issues</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Brine</strong></td>
<td></td>
<td>14,830</td>
</tr>
<tr>
<td><strong>Sand</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Salt</strong></td>
<td></td>
<td>237</td>
</tr>
</tbody>
</table>

**Snow/Water Event No. 6**  
*Report for January 16, 2019*

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>80.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Brine</strong></td>
<td></td>
<td>9,150</td>
<td></td>
</tr>
<tr>
<td><strong>Sand</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Salt</strong></td>
<td></td>
<td></td>
<td>80</td>
</tr>
</tbody>
</table>

**Snow/Water Event No. 5**  
*Report for January 15, 2019*

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>80.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Brine</strong></td>
<td></td>
<td>6,320</td>
<td></td>
</tr>
<tr>
<td><strong>Sand</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Salt</strong></td>
<td></td>
<td></td>
<td>68</td>
</tr>
</tbody>
</table>

**Snow/Water Event No. 4**  
*Report for January 7, 2019*

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Snow/Water Event No. 3  
**Report for December 26-27, 2018**

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>90.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brine</td>
<td></td>
<td>5,880</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td></td>
<td></td>
<td>117</td>
</tr>
</tbody>
</table>

### Snow/Water Event No. 2  
**Report for December 10, 2018**

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td>9.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mag Chloride</td>
<td></td>
<td>5,600</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Snow/Water Event No. 1  
**Report for November 30 - December 3, 2018**

<table>
<thead>
<tr>
<th>Task and/or Material</th>
<th>Hours</th>
<th>Gallons</th>
<th>Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime</td>
<td>59.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Issues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mag Chloride</td>
<td></td>
<td>5,691</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td></td>
<td></td>
<td>26</td>
</tr>
</tbody>
</table>
Idaho Transpiration Department I-84 Widening Project-Karcher Road Overpass Improvements - The Idaho Transportation Department (ITD) is working to widen I-84 between Karcher Road and Franklin Boulevard. To accommodate additional lanes along I-84 the Karcher Road Overpass must be replaced.

Improvements to the Karcher Road Overpass include shoulder widening, a sidewalk on the north side of the overpass, and improved drainage facilities.

A preconstruction meeting with the contractor, Concrete Placing Company, representatives from ITD, and Nampa staff was held February 19, 2019.

Construction is anticipated to begin in March 2019, with an estimated project duration of 150 calendar days.

During construction the overpass will be closed with a detour put in place. The detour route includes using the Karcher Connector, and the Karcher/Midland Overpass to Caldwell Boulevard

- Prior to the Karcher Road Overpass being closed, an emergency access must be completed from the eastbound on-ramp at the Karcher Midland Interchange to Keim Lane (see Exhibit A)

Construction updates and information regarding the ITD I-84 widening project can be found at https://itdprojects.org/projects/i-84-karcher-to-franklin/

Item #4-1 – Chief of Staff, Bobby Sanchez, presented the following updates:

City of Nampa Crow Management Program Update – Danica Delay, Clay Cox, Darrin Johnson and Lt. Paul Nicholosi are member of the Crow Management Program.

Background
The American crow population in the City of Nampa has increased steadily within the last two years culminating in 2019 with two distinct roost locations in the vicinity of Fred Meyer and Walmart (12th Avenue) The population of these large winter congregations of crows is estimated to between 2-4k in size. When large numbers of crows congregate, they can cause a variety of nuisance problems. Depending on where they choose to roost, there can be an accumulation of dropping on sidewalks, cars, and buildings. The loud and raucous calling as birds arrive at night and depart in the pre-dawn hours can be disturbing. In some rare cases, crows can cause physical damage to trees and other property where they are roosting. During the last year, these crow roosts have resulted in an increased number of requests
from local business owners and community members for assistance in managing the crow population.

In efforts to efficiently and effectively address the numerous challenges associated with managing the crow population, the City of Nampa formed a Crow Management Committee in April of 2018. The committee was tasked with developing humane, non-lethal, and environmentally sound approaches to managing crow populations to include methods of displacing them to areas where they will pose less of a hazard. The committee is currently comprised of community members, student interns, subject matter experts, and city staff representing municipal government, the Department of Fish & Game, and Boise State University. The organizational structure of the committee reflects a team approach to crow management by the formation and implementation of volunteer groups to conduct community outreach (inform, educate, and engage), data collection, displacement, and exploring options for long term solutions such as establishing safe havens or sanctuaries.

As a critical step toward developing a crow management plan for FY 2019: the Crow Management Committee conducted multiple meetings with key local officials and stakeholders to discuss crow management options in terms of the scope of the problem, state and federal regulations, projected program costs, the potential limitations and effectiveness of various hazing methods, and public acceptance of proposed methods. Management options considered were as follows: public information and education, habitat management (tree thinning and removal), and roost dispersal (non-lethal hazing).

**The Plan & Our Progress**

In May of 2018, the Crow Management Committee conducted a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis, determined SMART (Specific, Measurable, Realistic, and Time Driven) goals, planning timelines focused on developing a crow management plan that would mitigate crow roosts within the Downtown Nampa area. The plan is comprised of five (5) phases:

Educate/Inform/Engage, Pre-treatment, Data Collection & Displacement, Analysis & Assessment, and After-Action Review.

As of this report, the committee is mid-way through the implementation of our Fiscal Year (FY) 2019 crow management plan.

Highlights of the FY 2019 crow management plan include the following:

Phase I - Educate/Inform/Engage (August-November). Our intent was to inform, educate, and provide status updates which emphasize program goals and expected outcomes. During this phase, the committee accomplished the following key tasks:

- Developed a link and website at http: cityofnampa.us/crows
Regular Council
March 4, 2019

- Created a crow management trifold for business and community members
- Conducted national, regional, and local media interviews
- Community Engagement:
  - Mayor’s Open House, Third (3rd) Wednesday of every month, 4-6pm.
  - Meetings with local business

Phase II - Pretreatment (November). In November 2018, our pre-treatment team, in coordination with local business, ensured the placement of reflective devices, decoys, noise makers in vicinity of likely crow roost locations in anticipation of the arrival of the winter crow roost. In addition, our team, as part of a pilot test, applied Methyl Anthranilate (MA) on the roof top of the Nampa Civic Center and included the existing trees of the Civic Center campus.

MA is used as a fragrance or flavoring in many types of foods including; soda, ice cream, candy and gelatin. It comes from natural sources such as concord grapes and the blossoms of gardenias and jasmine. MA exceeds US Food Chemical Codes (FCC) specifications and is classified as Generally Recognized as Safe (GRAS). In general, all birds are affected by MA but a key part of the pilot test was to see how the American Crow would respond to the treatment. Our pilot test produced marginal results with no substantial evidence that MA would be an effective method of preventing crows from roosting in specific locations.

Phase III - Data Collation & Displacement (December-February). During this phase, our data collection focused on recording metrological, climate, and behavior data at the two (2) primary roost locations: Fred Meyer and Walmart. The data collected will be analyzed and assessed in phase IV (4) of the crow management program.

Our displacement teams conducted a pilot test using handheld infrared lasers, drones, and noise makers in order to determine the effectiveness of these devices in moving crows from one location to another. In general, our findings suggest that the handheld lasers are the most effective method of displacing crows, followed by noise makers, and drones.

Our Next Step
In the next coming months (March-May) our efforts will shift significantly toward phase IV analysis and assessment followed by phase V - After Action Review. Our intent during these phases is to fully analyze and assess the data collected in order to determine effectiveness of displacement techniques, a greater understanding of patterns of behavior regarding winter crow roosts, and the feasibility of establishing a hybrid of natural/manmade environments for long term save havens or sanctuaries. Our after-action review process will create the space for us to reflect upon what went well, what needs to be improved, and what should be changed within the context of creating a crow management program for FY 2020.
Regular Council  
March 4, 2019

**Point of Contact**  
The point of contact for this memorandum is Bobby Sanchez, (sanchezb@cityofnampa.us and 208-468-5411).

**Sister Cities Committee Update –**

**Background**  
The City of Nampa and Tizapan el Alto, Mexico, began a sisterhood relationship codified in a signed agreement between the two municipalities on August 15, 2002. On March 1, 2018, both administrations expressed a renewed commitment to strengthen the sister city relationship. Toward that end, the City of Nampa convened a committee on October 28, 2018 comprised of citizens from Nampa, local business owners, Nampa School District, state agencies, and the Office of the Consul General Mexico (Boise) to explore and advise the Mayor and City Council on the best way forward. Since that time, this committee held two (2) meetings to discuss several frameworks and concepts, to include a vision promoting a vibrant sister city relationship with Tizapan el Alto, Mexico.

**Significant highlights of these meetings include the following:**

a. Drafting of a mission statement: The voluntary forging of ties to encourage cultural understanding, friendship and exchange, as well as more practical applications, like trade agreements and business partnerships.

b. The establishment of a six (6) person executive committee for the purpose of providing a leadership structure and framework for governing the efforts of the larger sister city committee toward the attainment of established goals and objectives.

c. The committee agreed to conduct a “join planning effort” with Tizapan el Alto for the purpose of developing a plan where both cities will honor and celebrate Hispanic Heritage month occurring in October 2019. In the near term, select representatives of the committee will conduct a video teleconference with the Office of the Mayor and Tizapan el Alto during the week of March 4-8, 2019.

d. The committee acknowledged the need for healthcare subject matter expertise within committee membership as well as the necessity to begin reaching out to local non-profits such as Hands of Hope in order to begin dialogue and discussion around the delivery of medical supplies to Tizapan el Alto, Mexico.

e. The committee agreed to develop and submit a proposal to the Mayor and City Council for the development of a commission, as a part of the City Boards & Commissions structure, to oversee a broader sister city program.

**Recommended Action**  
Staff recommends the establishment of a commission to be comprised of members from the local community to oversee the sister city program within the City of Nampa. A sister city
commission will provide the structure, authority, communications, decision making, and budgeting processes required to ensure a sustainable and vibrant sister city program.

**Point of Contact**
The point of contact for this memorandum is Bobby Sanchez, (sanchezb@cityofnampa.us and 208-468-5411).

**Item #4-3.** - Facilities Update – Patrick Sullivan was postponed until the March 18, 2019, Council meeting.

**◊ (5) Unfinished Business ◊**

**Item #5-1.** – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, AMENDING TITLE 3, CHAPTER 7, SECTIONS 3-7-4 AND 3-7-5, OF THE NAMPA CITY CODE, RELATING TO THE CITY OF NAMPA’S DEVELOPMENT IMPACT FEES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Building Department)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

MOVED by Rodriguez and SECONDED by Hogaboam to pass the preceding Ordinance under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4420 and directed the Clerk to record it as required.

MOTION CARRIED

**Item #5-2.** – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL ADDING TITLE 6, CHAPTER 1, SECTION 6-1-6 TO THE NAMPA CITY CODE, PERTAINING TO THE PROHIBITION OF SMOKING AT LIBRARY SQUARE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Mayor & Council Department)

The Mayor declared this the first reading of the Ordinance.
Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

Mayor and Councilmembers asked questions and made comments.

Councilmember Hogaboam withdrew his motion and the second did not wish to withdraw his motion.

Councilmembers made more comments.

MOVED by Hogaboam and SECONDED by Rodriguez to pass the preceding Ordinance under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Rodriguez, Hogaboam voting YES. Councilmembers Bruner, Levi, Haverfield, Skaug voting NO. The Mayor declared

MOTION FAILED

Councilmembers discussed having an item on the Nampa Development Corporation agenda asking for no smoking signs to be placed around the Library.

♦️ (9) Public Hearings ♦️

Item #9-1. - Mayor Kling opened a public hearing for Dale Tackett of 1907 S Elder Street has requested a variance to City of Nampa Zoning Ordinance Fence Code Section 10-1-8 (D) which allows a solid/closed non-vision perimeter fence up to a height of 36 inches (3 ft) in the front yard. Mr. Tackett has constructed a 72 inch (6 ft) high solid/closed non-vision fence from the front of his dwelling to within approximately 12 ft of the front property line, and has requested that it be allowed to remain, due to the fact there are unique site and other circumstances between 1907 S Elder St and the neighboring property that justify the fence remain in the front setback area at the 72 inch (6 ft) height.

Dale Tackett, 1907 South Elder presented the request.

Senior Planner Kristi Watkins presented the following staff report explaining that the request is for Dale Tackett, homeowner to obtain a Variance for the fence height requirements pursuant to Nampa Zoning Ordinance Section 10-1-8: D1). Mr. Tackett has constructed a seventy-two (72) inch (6’) high solid/closed non-vision fence from the front of his dwelling to within approximately 12’ of the front property line and requests that it be allowed to remain for the property listed below... pertaining to 1907 S Elder Street, Nampa; A .314-acre portion of land identified as Parcel # R2521400000 located in the P & F
Regular Council  
March 4, 2019

Thompson Sub Lot 4 Block 2, Section 34, T3N, R2W, BM, Canyon County (hereinafter the “Property”)...  

**General Site Information**

**Existing Zoning:** RS6 (Single-Family Residential) Zone. **Surrounding Zoning & Land Uses:**  
North - RS6; residential; South - RS12; residential; East - RS6; residential; West - RS8.5; residential.

**Public/Agency Comment or Correspondence:** Email from City Nampa Code Enforcement Department, authored by Carol Shackelford, states that there are two (2) cases currently open on this property and Mr. Tackett is working with Code Enforcement to bring his property into compliance. (One of the two noted cases is in reference to the fence height in question with this application). Other agencies responded with no comment or issue with this request.

**Conclusion of Law & Findings of Fact**

Whether the Council votes to deny or approve the Variance request, the statements cited in this report as being from 10-24-2 below, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request.

**Applicable Regulations:** Chapter 1-8 addresses fences and walls. Chapter 24 sets forth criteria to use when reviewing (a) Variance request(s).

**Code Regulations**

Fences and Walls for Residential Districts (10-1-8-D):

1. **Interior Lots:** Solid/closed non-vision perimeter fences up to a height of thirty-six inches (36”), or open vision fences to a height of forty-eight inches (48”), may be built in the required front yard (setback area) from the setback line/mark to the inside of an existing sidewalk or to the inside of a proposed, future sidewalk.

   Perimeter fences up to a height of seventy-two inches (72”) may be built from a point behind the front of the dwelling unit to and along the rear property line...

**Variance Purpose Statement (10-24-1):**

“The Council is empowered to grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of zoning as
would result from a literal interpretation and enforcement of certain of the regulations prescribed by this Title.

“A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of 1) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and 2) the characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street location or traffic conditions.

“Variances are not intended to allow something that others do not have a permitted right to do. The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control.”

10-24-2: ACTION:

A) The Council may grant a Variance with respect to fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the Variance was applied for or in modified form if, on the basis of application, investigation and evidence submitted, the Council makes the following findings (read, “Conclusions of Law”):

1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.

2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.

3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.

5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.
Additionally, “[t]he Council may grant variances for the waiver of required front yards, fences, walls or hedges, based on a substitute plan which provides equal safety or aesthetics qualities by other means.” The substitute plan must:

1. Provide adequate vision clearances for vehicles, both those passing on the street and those leaving the development site; and,

2. Not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

Analysis

This is a request for a Variance in order to obtain permission to keep a six foot high (72”) non-vision fence in place where it extends beyond the front corner of the dwelling unit into the front yard along the interior lot line. (Code listed above states…”Perimeter fences up to a height of seventy-two inches (72”) may be built from a point behind the front of the dwelling unit…”).

The applicant has noted in a letter attached to the Variance application form, that he would like to keep a screening fence to provide privacy and safety between the neighbors.

According to Code Enforcement, this fence was reported by the neighbor, but seems appropriate to maintain the height of the fence to reduce interaction between the neighbors. After the complaint was made in January of this year, the applicant obtained a fence permit from the city and began the process of applying for this variance.

Upon inspection, the location of the fence on the interior property line is located approximately 12’ from the front property line and does not encroach into the required 7 ½’ vision triangle for the applicant’s or neighbor’s driveways.

The setback of the fence as proposed and the benefits of leaving it in place are not of great concern to city staff.

Condition(s) of Approval

Should the Council vote to approve the Variance Permit, the following draft Approval Condition(s) is/are proposed for consideration:

1. Comply with any other applicable agency (e.g., City Building Safety, City Engineer, Southwest District Health, Fire Department, etc.) requirements as they may pertain to the Variance request.
Regular Council
March 4, 2019

Those appearing in favor of the request were: Sue Schanbeck, 1918 Fern Street; Steve Vogt, 7285 7th Street South; Tim Mayer, 1922 South Elder; Becky Tackett, 1907 South Elder Street; James W Brent, 1903 South Fern Street.

Those appearing in opposition to the request were: Jeanette Wolf, 1915 South Elder Street; David Wolf, 1915 South Elder Street.

Applicant made closing comments.

MOVED by Bruner and SECONDED by Rodriguez to close the public hearing. Mayor Kling asked all in favor say aye with all Councilmembers present voting AYE. Mayor Kling declared the

MOTION CARRIED

MOVED by Skaug and SECONDED by Bruner to approve the variance to City of Nampa Zoning Ordinance Fence Code Section 10-1-8 (D) which allows a solid/closed non-vision perimeter fence up to a height of 36 inches (3ft) in the front yard. Mr. Tackett has constructed a 72 inch (6ft) high solid/closed non-vision fence from the front of his dwelling to within approximately 12 foot of the front property line, and has requested that it be allowed to remain, due to the fact there are unique site and other circumstances between 1907 S Elder St. and the neighboring property that justify the fence remain in the front setback area at the 72 inch (6ft) height. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #9-2. - Mayor Kling opened a public hearing for appeal of Planning and Zoning Commission denial of a Conditional Use Permit CUP-00129-2018 for a 72 Unit Apartment Project (three 24-Unit buildings) in a BC (Community Business) zoning district at 16056 N Merchant Way. (A 3.06-acre portion of the SW ¼ of Section 9 T3N R2W BM) for James R Wylie.

James Renny Wylie presented the request.

Planning and Zoning Director, Norm Holm, presented the following staff report explaining that the request is for an appeal of the Planning and Zoning Commissions denial of a Conditional Use Permit for a 72-unit apartment project in a BC zoning district at 16056 North Merchant Way for James R Wylie.

Planning and Zoning Commission Decision: The Planning and Zoning Commission found
the following concerning the CUP application:

1) The location, size and design of the proposed 72-Unit Apartment Project will not be reasonably compatible with and will adversely affect the livability or appropriate development of the surrounding neighborhood.

2) The location, design, and site planning of the proposed 72-Unit Apartment Project will not be as attractive as the nature of its use and location and setting warrants.

3) The proposed 72-Unit Apartment Project will not enhance the successful operation of the surrounding area in its basic community function.

Consequently, the Commission concluded to deny the requested Conditional Use Permit for a 72-Unit Apartment Project. The Commission expressed concern over the apartments in relation to their location and compatibility with the adjoining Machine Shop adjacent to the east at 16050 North Merchant Way. The Commission considered the testimony of the Machine Shop owners concerning the noise and other disruptions emanating from their property being incompatible with residential apartment living on the proposed apartment property.

General Information

**Status of Applicant:** Owner. **Existing Zoning:** BC (Community Business). **Location:** 16056 N. Merchant Way. **Size of Property:** A 3.06-acre portion of the SW ¼ of the SW ¼ of Section 9, T3N, R2W, BM or 133,294 sq. ft. parcel. **Surrounding Land Use and Zoning:** North-Treasure Valley Market Place, BC; South- Interstate 84 then Industrial uses, BC then IL (Light Industrial); East- Advantage Machine and Hydraulic, IL; West- Interstate 84 then Industrial uses, BC then IL. **Comprehensive Plan Designation:** General Commercial. **Zoning & Planning History:** Annexed and zoned BC by the applicant/owner in 2007.

**Applicable Regulations:** Section 10-25-13: ACTION ON APPEALS BY COUNCIL: The council, at the next duly held meeting, shall set a date and time for a public hearing on any appeal of the planning and zoning commission’s grant of a CUP and notify affected parties and property owners within three hundred feet (300’) of the property made the subject of the appeal. The commission or planning staff shall submit to the council a report setting forth reasons for the commission’s action. Alternatively, members of the commission shall be present at the council’s public hearing to represent the commission’s position on the matter. The council, after said public hearing shall render its decision within fifteen (15) calendar days after the filing of such appeal. The council may by resolution affirm, reserve or modify any decision, determination or requirements of the commission, but before granting any item which was denied by the commission or before changing any of the conditions imposed
by the conditions in the use permit, the council shall make written findings of facts setting forth wherein the commission findings were in error. (Ord. 4282, 9-19-2016)

Section 10-5-2 SCHEDULE OF DISTRICT LAND USE CONTROLS allows Apartments by conditional use permit in BC districts. Chapter 25 sets forth the criteria of approval. These criteria require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

**Description of Existing Land Use:** Vacant land available for development. **Description of Proposed Land Uses:** The applicant proposes to construct a 72-Unit Apartment Project consisting of three 24-unit 3 story buildings; including fifty-four 2 bedroom, 2 bath units; nine 3 bedroom, 2 bath units; and nine 1 bedroom, 1 bath units. **Parking:** The project info indicates 144 regular parking spaces with 3 handicapped spaces for a total of 147. It appears that at least 50% of the parking would be covered.

**Special Information**

**Public Utilities:** 12” water main along the northerly property boundary, 12” water main along the southerly property boundary; 10” sewer main along the northerly property boundary 16” irrigation main along the northerly property boundary. **Public Services:** All available. **Transportation:** The Apartment complex proposes access from N. Merchant Way on the south and on to the west. **Physical Site Characteristics:** Undeveloped, vacant lot. **Environmental:** Apartments are ideally located within proximity of commercial/industrial employment areas and arterial streets. **Aesthetics/Landscaping:** The apartment project proposes to be aesthetically attractive and landscaped compatible with the commercial, professional, and health care facilities located in the area (see attached drawings from the applicant).

**Public Input:** Owners and employees of Advantage Machine and Hydraulic (16050 N Merchant Way) attended the January 23, 2019, Planning and Zoning Commission public hearing expressing opposition to the apartment complex based on possible noise, unsightly complaints, and possible thefts and property damage from adjacent apartment dwellers.

No written correspondence has been received from any area property owners, businesses or residents either for or against the construction of the Apartment project at the subject location.

**Staff Findings and Discussion**

The location is reasonable for an Apartment Project because of its proximity to commercial, industrial, professional, and health care facilities in the area. From a land use standpoint, the
location is shown on the comprehensive plan for general commercial land use and the requested Apartment Project use is an eligible conditional use in the BC zone.

With regards the conditional use permit, use of the property for an Apartment Project could be compatible with the surrounding commercial and professional neighborhood with the establishment of specified conditions of approval designed to mitigate the concerns of adjacent industrial property owners.

If the City Council votes to uphold the Planning and Zoning Commission denial of the CUP, the following findings are recommended:

1) The location, size and design of the proposed 72-Unit Apartment Project will not be reasonably compatible with and will adversely affect the livability or appropriate development of the surrounding neighborhood.
2) The location, design, and site planning of the proposed 72-Unit Apartment Project will not be as attractive as the nature of the use and its location and setting warrants.
3) The proposed 72-Unit Apartment Project will not enhance the successful operation of the surrounding area in its basic community function.

If the City Council votes to grant approval of the appeal and approve the CUP, the following findings are recommended:

1) The location, size and design of the proposed 72-Unit Apartment Project will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
2) The location, design, and site planning of the proposed 72-Unit Apartment Project will be as attractive as the nature of the use and its location and setting warrants.
3) The proposed 72-Unit Apartment Project will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

**Suggested Conditions of Approval**

If the City Council votes to grant approval of the appeal and approve the CUP, the following Planning and Engineering conditions are recommended:

1) The applicant shall install a solid CMU block wall and evergreen landscape screen adjacent the easterly property line to mitigate concerns raised by the adjacent machine shop business.
2) The applicant shall provide lease agreement notice to apartment tenants regarding possible noise and unsightly appearance of the existing adjacent machine shop business on the east.
3) All requirements of the Nampa fire and building departments regarding apartment use shall be satisfied.
4) The conditional use permit is issued for the life of the buildings as apartments.
5) Applicant will be required to do frontage improvements including, but not limited to, curb, gutter, road widening, and sidewalk.
6) At time of permit application and issuance, owner will pay the standard applicable fees.

Those appearing in favor of the request were: Mike Pena, 5700 East Franklin Road; Jerrod Wallgren, 1212 12th Avenue South.

Those appearing in opposition to the request were: Dale Bradburn, 3221 North Lilyturf; Andy Bloomquest, 17077 No Lyonsdale Place; Carl Bloomquist, 115 North Jefferson Street; Darel Rothside, 11621 Alama Lane.

The applicant presented a rebuttal.

Mayor and Councilmembers asked questions and made comments of the applicant and the City Attorney.

MOVED by Hogaboam and SECONDED by Rodriguez to close the public hearing. Mayor Kling asked all in favor say aye with all Councilmembers present voting AYE. Mayor Kling declared the

MOTION CARRIED

MOVED by Haverfield and SECONDED by Hogaboam to approve the variance as presented with staff recommendations and ADA compliance for parking lot need to be satisfied working with staff for handicap parking spaces with a minimum of 6 as required by the American of Disabilities Act, handicap spaces will be provided on both sides of the building so there will be equal access on all fronts, tree islands need 90 feet, included in the landscaping would be the Colorado and the Australian white pine be 3 inch caliper at planning to provide the buffer, the adjoining property owners rights are protected, a tot lot be placed between the two building on the east property line, and up to 15 bicycle spaces. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

❖ (5) Unfinished Business ❖

Item #5-4. – The following Ordinance was read by title:
Regular Council  
March 4, 2019  

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL REMOVING CERTAIN STANDARDS AND PROCESSES FROM VARIOUS SECTIONS OF TITLE 10, CHAPTERS 4, 9, AND 16, OF THE NAMPA CITY CODE; CONSOLIDATING AND RELOCATING THE REMAINING STANDARDS AND PROCESSES FOR BUILDING DESIGN REVIEW BY ADDING TITLE 10, CHAPTER 34, SECTIONS 10-34-1 THROUGH 10-34-10, INCLUSIVE, OF THE NAMPA CITY CODE, ENTITLED “DESIGN REVIEW”; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.    (Applicant Police Department)  

The Mayor declared this the first reading of the Ordinance.  

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.  

MOVED by Haverfield and SECONDED by Rodriguez to pass the preceding Ordinance under suspension of rules and approve item #5-5 approval of the summary of publication.  Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4421 and directed the Clerk to record it as required.  

MOTION CARRIED  

Item #5-6. – The following Ordinance was read by title:  

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING A TEN (10) WIDE FOOT PORTION OF THE EASTERN SIDE OF THAT CERTAIN RIGHT OF WAY COMMONLY KNOWN AS S. GARLAND STREET AND A TEN (10) FOOT WIDE PORTION OF THAT CERTAIN RIGHT OF WAY COMMONLY KNOWN AS NORTHERN SIDE OF E. HAWAII AVENUE IN NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH.    (Applicant Ken Franklin representing Shervik Family Trust)  

The Mayor declared this the first reading of the Ordinance.  

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.  

MOVED by Haverfield and SECONDED by Hogaboam to pass the preceding Ordinance under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4422 and directed the Clerk to record it as required.
MOTION CARRIED

Item #5-7 – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO TO PROVIDE BC (COMMUNITY BUSINESS) ZONE DESIGNATION FOR CERTAIN LANDS, COMMONLY KNOWN AS THE SECOND PARCEL WEST OF 11460 W. KARCHER ROAD, NAMPA, IDAHO, COMPRISING APPROXIMATELY 0.67 ACRES, MORE OR LESS; DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF NAMPA, IDAHO; REZONING SAID PROPERTY FROM RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) TO BC (COMMUNITY BUSINESS); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER TO DESIGNATE SAID PROPERTY AS BC (COMMUNITY BUSINESS) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Jeremiah Jenkins)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

MOVED by Bruner and SECONDED by Haverfield to pass the preceding Ordinance under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4423 and directed the Clerk to record it as required.

MOTION CARRIED

❖ (6) Pending Ordinances (Postponed Due to Lack of Supporting Documentation) ❖

6-1. 1st reading of ordinance for Annexation and Zoning to Light Industrial at 58 and 0 N. Kings Rd. for construction of Storage Units (A combined 3.87 acre or 168,577 sq. ft. portion of the South Half of the NW ¼ of the SW ¼ of Section 24, T3N, R2W, BM) for Cody Lane-Trek Investment Group (PH was 9-17-2018)
6-2. 1st reading of ordinance for Annexation and Zoning to RD (Two-Family Residential) for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for Pontifex Capital, LLC represented by Bob Taunton, Taunton Group LLC (ANN 105-18) (PH was 1-22-2019)
Regular Council
March 4, 2019

6-3. 1st reading of ordinance for modification of an Annexation and Zoning Development Agreement (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for Kent Brown representing FIG Laguna Farms LLC (DAMO 027-18) (PH was 2-4-2019)

6-4. Annexation and Zoning to IL (Light Industrial) at 0 Cherry Lane (Parcel R30839011A0) for construction of a Warehousing facility (Tax 03066 – 24.39-acre portion of the south half of the SE ¼ of Section 4 T3N R2W BM), for Richard Evans (ANN-00109-2018). (PH was 2-19-2019)

♦ (7) New Business ♦

Item #7-1. - Mayor Kling presented the request for appointment of Tim Rigsby and amendment of the reappointment to appointment of Bruce Purcell to the Nampa Bicycle and Pedestrian Advisory Committee.

MOVED by Levi and SECONDED by Hogaboam to approve the appointments of Tim Rigsby and Bruce Purcell to the Nampa Bicycle and Pedestrian Advisory Committee. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #7-2. - Mayor Kling presented the request to approve the use agreement between the Nampa Farmers Market and the Parks and Recreation Department as proposed.

Parks and Recreation Director, Darrin Johnson, presented a staff report explaining that the Nampa Farmers Market has requested to hold their 2019 market at Lloyds Square in downtown Nampa. The first event date is scheduled for Saturday, April 20, 2019. The market will continue every Saturday through October 26, 2019.

MOVED by Haverfield and SECONDED by Rodriguez to approve the use agreement between the Nampa Farmers Market and the Parks and Recreation Department as proposed. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED
Item #7-3. - Mayor Kling presented the request to authorize the Mayor and Parks and Recreation Director to sign an agreement with KB Prints to supply shirts as described in the terms and conditions of the attached agreement.

Darrin Johnson presented a staff report explaining that the Nampa Parks and Recreation Department is requesting the approval of a two-year agreement for the service of providing shirts for Parks and Recreation Department programs. The shirts are used for sports leagues, special events and other city related activities.

Included in the council packet is a bid tally sheet illustrating information of all bidders. KB Prints, a Nampa Company, is the apparent low bidder. Staff recommends Nampa City Council approve KB Prints for the shirt bid award and authorize the Mayor and the Nampa Parks and Recreation Director to sign the attached agreement.

MOVED by Bruner and SECONDED by Haverfield to authorize the Mayor and Parks and Recreation Director to sign an agreement with KB Prints to supply shirts as described in the terms and conditions of the attached agreement. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED

Item #7-4. - Mayor Kling presented the request to authorize the Mayor to sign an agreement to use CDBG funding for the purchase of a portion of the Stoddard Railway, Sherman Ave. North to 2nd Street South, that is in size 1.71 acres, for the amount of $124,209.

Darrin Johnson presented a staff report explaining that the staff brought information to a previous council meeting (September 17, 2018) regarding the desire to purchase a section of the Stoddard Rail Line located between Sherman Avenue North to Second Street South. At the September meeting City Council approved the action to sign a letter of intent to purchase property for a future pedestrian pathway. The letter of intent allowed time for staff to perform due diligence on the property. At this time the property has been inspected, surveyed and appraised for value.

The completed survey lists the subject property at 1.71 acres. An exhibit is attached that shows the location of the property. The final cost of the property is $124,209.00. The price reflects the square foot appraised value price that was completed by an appraiser hired by the City of Nampa.

With this agreement, the City of Nampa will obtain the lease between the Union Pacific Railroad and Treasure Valley MFG and Recycling. The lease fee that will be coming back to the City of Nampa is $3,000 annually.
Regular Council  
March 4, 2019  

The funding for the purchase of this property comes from a CDBG grant that was awarded to parks and recreation for a future pedestrian pathway.  

MOVED by Haverfield and SECONDED by Levi to authorize the Mayor to sign an agreement to use CDBG funding for the purchase of a portion of the Stoddard Railway, Sherman Ave. North to 2nd Street South, that is 1.71 acres for the amount of $124,209. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the  

MOTION CARRIED  

Item #7-5. - Mayor Kling presented the request to authorize the addition of Alta Planning and Design to 2018-2019 Request for Qualifications First Choice Hiring Roster, and authorize the Mayor and Public Works Director to sign Miscellaneous Professional Services Term Agreement, and authorize the Mayor and Public Works Director to sign Task Order for Scope of Work with Alta Planning and Design for Bike and Pedestrian Master Plan update in the amount of $59,939.00; time and material is not to exceed (T&M NTE) for Engineering Division.  

Tom Points presented a staff report explaining that a high-quality, non-motorized transportation network is the hallmark of desirable communities that are pleasant in which to live, work and play. The City of Nampa’s Bike and Pedestrian Plan, adopted by Council in 2012, has been a giant step forward in Nampa realizing its walking and biking potential  

Spearheaded by the Nampa Bike and Pedestrian Committee, the Bike and Pedestrian Master Plan has been a catalyst to launch the following improvements:  
  o Establishment of a Bike and Pedestrian Advisory Committee  
  o Helped secure $15 Million in multimodal grant funding  
  o Installation of more than 5 miles of public pathways  
  o Student safety improvements at 9 Nampa schools  
  o 7 HAWK Pedestrian Beacon Crossings  
  o 10 Rapid Flashing Beacon Crossings  
  o Lloyds Square downtown pathway improvements  
  o Frontage and pathway improvements to Nampa High School  
  o 5 miles of bike lanes  
  o 5 miles of shared-use bike lanes  
  o 2 miles of sidewalk and hundreds of pedestrian ramps  
  o Lighting, signage and striping improvements throughout Nampa
Regular Council  
March 4, 2019  

The current master plan is based largely on data from 2008-2009. Improvements since that time need to be incorporated into an updated plan. Council approved funds in the fiscal year 2019 budget to accomplish a long list of additional plan improvements. A total of $60,000 is budgeted; $30,000 from the Parks Department and $30,000 from the Street Division.

Alta Planning and Design (Alta) completed the 2012 Bike and Pedestrian Master Plan for the City of Nampa. To build upon the good work already underway, a small steering committee determined to select Alta for the master plan update. Qualification Based Selection (QBS) requirements in Idaho law allow a local government to negotiate a new contract with a firm for a previously awarded or associated project.

Alta did not submit its Statement of Qualification (SOQ) for consideration during the city's 2018-2019 Request for Qualifications (RFQ) for consultant hiring rosters. As the selection process has passed, additional consultants can be considered for addition to the city’s first choice consultant hiring roster. Alta has submitted its SOQ (see Exhibit A) for consideration. The Bike and Pedestrian Advisory Committee, Parks Department, and Engineering Division recommend adding Alta to the first choice roster.

Alta’s Scope of Work (SOW) and budget (see Exhibit B) accomplish many important items for the City’s bike and pedestrian system. Notable among them are:
- Initiate a substantial public involvement effort
- Design an off-road pathway system for future expansion
- Reconfirm or modify the existing plan’s major policy directives
- Provide a project priority list and estimates to pursue grant funding
- Design and include a mechanism for prioritizing pathway, bicycle and pedestrian projects

The Bike and Pedestrian Advisory Committee, Parks Department, Engineering Division, and Planning and Zoning Department recommend:
- Adding Alta Planning and Design to the City’s first choice hiring roster, and
- Authorizing Miscellaneous Professional Services Term Agreement, and
- Authorizing Task Order for SOW to update the Bike and Pedestrian Master Plan

MOVED by Haverfield and SECONDEd by Bruner to authorize the addition of Alta Planning and Design to 2018-2019 Request for Qualifications First Choice Hiring Roster, and authorize the Mayor and PublicWorks Director to sign Miscellaneous Professional Services Term Agreement, and authorize the Mayor and Public Works Director to sign Task Order for Scope of Work with Alta Planning and Design for Bike and Pedestrian Master Plan update in the amount of $59,939.00 - time and material not to
exceed (T&M NTE) for Engineering Division. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the
MOTION CARRIED

**Item #7-6** – The following Resolution was presented:

Tom Points presented a staff report explaining that the City of Nampa applied for and received Transportation Alternatives Program funding to extend the Stoddard Pathway between Amity Avenue and Sherman Avenue (see Exhibit A).

Improvements include an extension of the Stoddard Pathway, flashing beacon installation across Amity Avenue, restrooms, parking lot, pressure irrigation installation and pedestrian improvements.

The State/Local Agreement must be executed between the City and the State. The Agreement includes the following key points (see Exhibit B):

- **Section I – General:**
  - This is a streamlined SLA which combines both Project Development and Construction contractual requirements—typically separated into two SLA’s

- **Section II – City Requirements:**
  - The City of Nampa will pay $3,957 upfront for ITD administration fees which can be applied toward the City of Nampa match
  - The City of Nampa will pay all costs of all design and construction and be reimbursed by ITD at 92.66%
  - The City of Nampa, in cooperation with ITD, shall select a consultant, advertise for bids and let construction contract
  - All project cost overages to be paid by the City of Nampa. Note: The scope of the project will be adjusted to fit within budget, including contingency

- **Section III – State Requirements:**
  - The State shall enter into an agreement with the Federal Highway Administration covering 92.66% of the costs, up to $499,499 maximum

The estimated project costs are $539,066. Funding is as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAP Federal Grant (92.66%)</td>
<td>$499,499</td>
</tr>
<tr>
<td>City of Nampa Match FY19 Parks (7.34%)</td>
<td>$39,567</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$539,066</strong></td>
</tr>
</tbody>
</table>
The project was programmed in COMPASS’ Transportation Improvement Program for design in FY2020 but has been accelerated for design in FY2019.

The Parks Department has budgeted in their FY2019 budget to cover administrative fee to the State.

Council approval of the State/Local Agreement will facilitate getting this important pathway extension project designed in FY19.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTEER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF NAMPA, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF STODDARD PATH EXT PH 2 (AMITY TO SHERMAN).

MOVED by Rodriguez and SECONDED by Haverfield to pass the resolution as presented and approve the State-Local Agreement (Design & Construction) and authorize the Mayor to sign the agreement. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the resolution passed, numbered it 17-2018 and directed the clerk to record it as required.

MOTION CARRIED

Item #7-7. – The following Ordinance was read by title:

Tom Points presented a staff report explaining that as part of the changes to the Street Impact Fee the required street frontage requirements of new developments needs to be updated.

Under the current code the developer is required to install the street frontage improvements on all streets adjacent to this development to the ultimate build-out, including
  o Curb and gutter
  o Sidewalk
  o Pavement widening
  o Storm drain facilities (ponds, swales or seepage beds)

Under the proposed code the developer would be responsible to install the following street frontage improvements on
  o Local roadways
    ▪ Curb and gutter
    ▪ Sidewalk
    ▪ Pavement widening
Storm drain facilities (ponds, swales or seepage beds)
  - Collector roadways
    - Sidewalk
    - Turning lanes as called for in a Traffic Impact Study
  - Arterial roadways
    - Sidewalk
    - Turning lanes as called for in a Traffic Impact Study

The higher impact fees would then be used to construct growth related improvements identified in the capital improvement plan proposed in the impact fees.

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 9, CHAPTER 3, SECTION 9-3-1, NAMPA CITY CODE, PERTAINING TO MINIMUM IMPROVEMENT REQUIREMENTS FOR DEVELOPMENT AND CONSTRUCTION UPON LAND ADJACENT TO PUBLIC RIGHTS OF WAY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

MOVED by Hogaboam and SECONDED by Rodriguez to pass the preceding Ordinance under suspension of rules and approve item #7-8 approval of summary of publication. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4424 and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-9. - Mayor Kling presented the request to award the bid and authorize the Mayor to sign contract for Locust Lane Irrigation Supply Project Well House & Components with Irminger Construction.

Tom Points presented a staff report explaining that as part of the Public Works Asset Management Program and according to the 2014 Irrigation System Master Plan, Engineering identified the need to construct a new groundwater supply source to the pressure irrigation system in southwest Nampa.

This project includes the completion of a well house, pump, motor, piping and electrical components and will complete all phases of this project. The production well was completed
in September with a 24-hour test providing a minimum of 1250 gpm from the testing period (Exhibit A). Water right approval with IDWR is finalized.

The City received three (3) bids. Irminger Construction is the lowest responsive bidder at $728,697.00 (See Exhibit A).

Estimated costs are summarized below:

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consulting</td>
<td>$245,554</td>
</tr>
<tr>
<td>Property, Test Well (complete)</td>
<td>$139,188</td>
</tr>
<tr>
<td>Production Well (complete)</td>
<td>$177,152</td>
</tr>
<tr>
<td>Well House &amp; Components</td>
<td>$728,697</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,290,591</strong></td>
</tr>
</tbody>
</table>

Approved budget for the project comes from FY19 + FY18 rollover funds in the amount of $589,285. Additional funds are needed as the well pump quote increased, SCADA was added from original estimate, larger gravel area for fire access & electrical cost increase. Staff has identified use of budgetary contingency, and removal of one smaller project, Birch Irrigation Pipe project, as the source for additional funds needed.

Funding FY18 $589,285
Funding FY19 $561,894
Contingency, Birch Irrigation Pipe Project $139,412

$1,290,591

Keller Associates and staff have reviewed the bids and recommend award to Irminger Construction.

MOVED by Rodriguez and SECONDED by Bruner to award the bid and authorize the Mayor to sign contract for Locust Lane Irrigation Supply Project Well House & Components with Irminger Construction. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #7-10. - Mayor Kling presented the request for discussion regarding sending letter of support for HB 217 – Urban Renewal.

Mayor Kling presented the following report on HB 217 – Urban Renewal:

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2905A, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTION, TO PROVIDE FOR CERTAIN IMPROVEMENTS, TO DEFINE A TERM, TO REVISE A DEFINITION, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.
Regular Council  
March 4, 2019

SECTION 1. That Section 50-2905A, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905A. ELECTION NECESSARY FOR EXPENDITURES ON CERTAIN PROJECTS.

(1) Notwithstanding any other provision of this chapter, on and after July 1, 2016 the effective date of this act, it shall be unlawful for an urban renewal agency to expend revenue collected under this chapter on project costs when the amount of revenue collected under this chapter contributes to fifty-one percent (51%) or more of the total project cost and the project is for construction or remodel of a municipal building that will not be subject to property taxation or, or a multipurpose sports stadium complex, unless such construction project is first approved in an election by sixty-five percent (65%) of the participating qualified electors residing within the borders of the qualified municipality. An election pursuant to this section shall be in accordance with the provisions of chapter 1, title 34, Idaho Code. The provisions of this subsection shall not apply to infrastructure or belowground improvements necessary or ancillary to a municipal building constructed or remodeled pursuant to this subsection including, but not limited to, water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, parking, or unoccupied auxiliary structures.

(2) For purposes of this section, the following terms shall have the following meanings:

(a) "Multipurpose sports stadium complex" means a place or venue for outdoor sports, concerts, or other events that consists of a field or stage either partly or completely surrounded by a tiered structure designed to allow spectators to stand or sit and view the event.

(b) "Municipal building" means only a structure owned, leased, or operated by a municipality for the public’s benefit that is not subject to property taxation. Municipal buildings include, but are not limited to, an administrative building, city hall, library, courthouse, public safety or law enforcement buildings, other judicial buildings, fire stations, jails, and detention facilities;

(bc) "Project costs" shall have the same meaning as provided in section 50-2903(14), Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

MOVED by Skaug and SECONDED by Haverfield to authorize the Mayor to draw up a letter to submit to the legislation. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED

Page 34
Item #8-1- Mayor Kling presented the request to adjourn into Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Item #8-2- Mayor Kling presented the request to adjourn into Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

MOVED by Rodrigues and SECONDED by Bruner to adjourn into executive session at 10:00 p.m. pursuant to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The Mayor asked for a roll call vote with all councilmembers present voting YES. The Mayor declared the motion CARRIED.

MOVED by Haverfield and SECONDED by Skaug to conclude the executive session at 11:10 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the motion CARRIED.

MOVED by Haverfield and SECONDED by Skaug to adjourn the meeting at 11:11 p.m. The Mayor declared the motion CARRIED.

Passed this 18th day of March 2019.
Regular Council
March 4, 2019

________________________
MAYOR

ATTEST:

________________________
CITY CLERK
Mayor Kling called the meeting to order at 5:30 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield were present. Councilmember Skaug was absent.

✧ (8) Executive Session ✧

Item #8-1- Mayor Kling presented the request to adjourn into Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Item #8-2- Mayor Kling presented the request to adjourn into Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency.

MOVED by Haverfield and SECONDED by Levi to adjourn into executive session at 5:38 p.m. pursuant to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency. The Mayor asked for a roll call vote with all councilmembers present voting YES. The Mayor declared the MOTION CARRIED

MOVED by Haverfield and SECONDED by Hogaboam to conclude the executive session at 9:10 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED

MOVED by Haverfield and SECONDED by Hogaboam to adjourn the meeting at 9:11 p.m. The Mayor declared the MOTION CARRIED

Passed this 18th day of March 2019.

____________________________________
MAYOR

____________________________________
CITY CLERK
CONSENT TO BID
Zone E Sewer Rehab FY19
(As in approved FY19 Budget)

- Each year as part of the City’s Asset Management program the Wastewater Division identifies sanitary sewer lines and infrastructure that need rehabilitation or replacement.

- For FY19, the Wastewater Division identified approximately 7,800 linear feet of existing sewer main to be repaired and replaced.

- The project consists of manhole rehabilitation and cured-in-place pipe lining of approximately 7,800 linear feet of existing 8” concrete sewer piping; including field investigation of existing services. The locations are as follows (see Exhibit A):
  1) Elmore Ave east of Canyon St
  2) Shoshone Ave east of Canyon St
  3) Fairview St between Shoshone Ave and Owyhee Ave
  4) Owyhee Ave east of Canyon St
  5) Blaine Ave east of Canyon St
  6) Alley between Blaine Ave and Meffan Ave
  7) Alley between Meffan Ave and Young Ave
  8) Young Ave east of Canyon St
  9) Three locations on State St between Lone Star Ave and Lake Lowell Ave

- Keller Associates, Inc. has completed design of the Zone E Sewer Rehab FY19 and the project is ready to bid. Keller will assist the City with bidding the project. City Staff will administer and inspect construction.

- Zone E Sewer Rehab FY19 projects have an approved FY19 Wastewater Division budget of $923,500.

  Design $111,760
  Construction Estimate $514,000
  Construction Engineering & Inspection $0

  Total $625,760

- Keller Associates, Inc. has provided an engineer’s estimate and the Engineering Division recommends proceeding with the formal bidding process.

REQUEST: Authorize the Engineering Division to proceed with the formal bidding process for the Zone E Sewer Rehab FY19 project.
Consent to Renew Fiscal Years 2018-2019 Miscellaneous Professional Services Term Agreements thru Fiscal Year 2020
(Reviewed and Approved by Legal Counsel)

- The City maintains a list of qualified consultants consisting of engineers, surveyors, architects, and others who offer specialized services. Consultants were selected in accordance with Idaho Code 67-2320 (see Exhibit 1) and the Qualifications Based Selection (QBS) process.

- On July 17, 2017, City Council approved staff to formalize negotiations and contracts with first choice firms, or second choice firms, for consultant services as outlined the City’s Request for Qualifications (RFQ) Miscellaneous Professional Services Term Agreement (Agreement) for fiscal years 2018 and 2019, with an option to renew for one, additional fiscal year term.

- Currently, there are 39 Agreements with consultants from the first choice rosters. Most of these Agreements were put into effect on October 1, 2017, and will expire on September 30, 2019.

- The Agreement contains the following language:
  2.17 Renewal
  This Agreement may be renewed, by written agreement, for one fiscal year term, upon mutual agreement by both parties. The terms of the renewal may include an equitable adjustment of fees to reflect inflation and may include change in key personnel listed.

  2.18 Term
  The term for this Agreement shall be two fiscal years, commencing upon execution of the contract.

  Non-Appropriation: The continuation of the terms, conditions, and provisions of this contract beyond the fiscal years is subject to approval of and ratification by the City Council.

- Staff would like to request a one fiscal year term renewal of the Agreements, expiring on September 30, 2020.

- A new selection process is anticipated in the spring of 2020 to create a new consultant roster for various City projects for fiscal years 2021-2022.

REQUESTS:
1) Approve renewal of Agreements from October 1, 2019, through September 30, 2020, as outlined above, and
2) Authorize Public Works Director to sign renewal Agreements.
TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 23
MISCELLANEOUS PROVISIONS

67-2320. PROFESSIONAL SERVICE CONTRACTS WITH DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS. (1) Notwithstanding any other provision of law to the contrary, it shall be the policy of this state that all public agencies and political subdivisions of the state of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to chapters 3, 12, 30 and 45, title 54, Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices.

(2) In carrying out this policy, public agencies and political subdivisions of the state shall use the following minimum guidelines in securing contracts for engineering, architectural, landscape architecture, construction management and land surveying services on projects for which the professional service fee is anticipated to exceed the total sum of twenty-five thousand dollars ($25,000), excluding professional services contracts previously awarded for an associated or phased project, and the expenditure is otherwise exempt from the bidding process provided by law:

(a) Encourage persons or firms engaged in the services being solicited to submit statements of qualifications and performance data;
(b) Establish and make available to the public the criteria and procedures used for the selection of qualified persons or firms to perform such services;
(c) Select the persons or firms whom the public agency or political subdivision determines to be best qualified to provide the required services, ranked in order of preference, pursuant to the public agency or political subdivision’s established criteria and procedures;
(d) Negotiate with the highest ranked person or firm for a contract or agreement to perform such services at a price determined by the public agency or political subdivision to be reasonable and fair to the public after considering the estimated value, the scope, the complexity and the nature of the services;
(e) When unable to negotiate a satisfactory contract or agreement, formally terminate negotiations and undertake negotiations with the next highest ranked person or firm, following the procedure prescribed in subsection (2)(d) of this section;
(f) When unable to negotiate a satisfactory contract or agreement with any of the selected persons or firms, continue with the selection and negotiation process provided in this section until a contract or agreement is reached;
(g) When public agencies or political subdivisions solicit proposals for engineering, architectural, landscape architecture, construction management or land surveying services for which the professional service fee is anticipated to exceed the total sum of twenty-five thousand dollars ($25,000), they shall publish public
notice in the same manner as required for bidding of public works construction projects.
(h) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may limit its selection from a list of three (3) persons or firms selected and preapproved for consideration by the public agency or political subdivision. In establishing a preapproved list a public agency or political subdivision shall publish notice as set forth in subsection (2)(g) of this section. When selecting from such list, no notice shall be required.
(i) In fulfilling the requirements of subsections (2)(a) through (2)(g) of this section, a public agency or political subdivision may request information concerning a person’s or firm’s rates, overhead and multipliers, if any, however such information shall not be used by the public agency or political subdivision for the purpose of ranking in order of preference as required in subsection (2)(c) of this section.
(3) In securing contracts for engineering, architectural, landscape architecture, construction management or land surveying services on projects for which the professional service fee is anticipated to be less than the total sum of twenty-five thousand dollars ($25,000), the public agency or political subdivision may use the guidelines set forth in paragraphs (a) through (g) of subsection (2) of this section or establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required, followed by negotiation of the fee at a price determined by the public agency or political subdivision to be fair and reasonable after considering the estimated value, the scope, the complexity and the nature of services.
(4) When a public agency or political subdivision of the state has previously awarded a professional services contract to a person or firm for an associated or phased project the public agency or political subdivision may, at its discretion, negotiate an extended or new professional services contract with that person or firm.
(5) (a) For the purposes of this section, "public agency" shall mean the state of Idaho and any departments, commissions, boards, authorities, bureaus, universities, colleges, educational institutions or other state agencies which have been created by or pursuant to statute other than courts and their agencies and divisions, and the judicial council and the district magistrate’s commission;
(b) For the purposes of this section, "political subdivision" shall mean a county, city, airport, airport district, school district, health district, road district, cemetery district, community college district, hospital district, irrigation district, sewer district, fire protection district, or any other district or municipality of any nature whatsoever having the power to levy taxes or assessment, organized under any general or special law of this state. The enumeration of certain districts herein shall not be construed to exclude other districts or municipalities from this definition.
History:
[67-2320, added 1984, ch. 188, sec. 1, p. 438; am. 1998, ch. 410, sec. 4, p. 1273.]
Authorize First Amendment to Nampa Municipal Airport Land Lease Agreement for Lot 2346
(Reviewed and Approved by Legal Counsel)

- On November 20, 2018, Joseph D. Ballenger, signed a 20-year Nampa Municipal Airport Land Lease Agreement (see Attachment A) for Lot 2346

- On March 5, 2019, Airport staff received a request from Joseph D. Ballenger (Lessee) to assign his interest in the lease to The Ballenger Family Revocable Living Trust (Assignee)

- Legal counsel has reviewed approves of the First Amendment to Nampa Municipal Airport Land Lease Agreement (Amendment), assigning the Lessee’s interest to the Assignee

- On March 11, 2019, the Lessee signed the Amendment for Lot 2346

- The March 11, 2019, the Nampa Airport Commission was cancelled due to lack of quorum. Staff requests Council authorize the Mayor to sign the Amendment (see Attachment B) under extension of rules

REQUEST: Authorize Mayor to sign the First Amendment to Nampa Airport Land Lease Agreement, assigning the interest of Joseph D. Ballenger to The Ballenger Family Revocable Living Trust, for Lot 2346 at the Nampa Municipal Airport.
NAMPA MUNICIPAL AIRPORT
LAND LEASE AGREEMENT

STORAGE HANGAR LOT #2346
IMPROVEMENTS PURCHASED FROM LELAND J. HALEY

LESSEE:
JOSEPH D. BALLINGER
2218 MORES TRAIL DRIVE
MERIDIAN, ID 83642

LESSOR:
CITY OF NAMPA
c/o AIRPORT SUPERINTENDENT
116 MUNICIPAL DRIVE
NAMPA, ID 83687

EFFECTIVE TERM:
NOVEMBER 20, 2018 – NOVEMBER 30, 2038
This lease agreement (the “Agreement”) is entered into this 19th day of November, 2018 by and between the City of Nampa, a Municipal Corporation of the State of Idaho (“Lessor”), and JOSEPH D. BALLenger (“Lessee”). The Superintendent of Public Works for the City of Nampa will designate the authorized agent to administer the provisions of this Agreement.

Whereas, Lessor now owns, controls, and operates the Nampa Municipal Airport (the “Airport”), in the City of Nampa, County of Canyon, State of Idaho; and

Whereas, Lessor has authority to enter into tenant agreements for the purpose of leasing property to accommodate public use of the Airport; and

Whereas, Lessee desires to lease a parcel of Airport property;

Therefore, in consideration of the rental payments, promises, and the mutual covenants contained in this Agreement, the parties agree as follows:

1. Term of Agreement.

The term of this lease shall commence on November 20, 2018 (the “Effective Date”), and continue for a period of twenty (20) years from the effective date of this lease, terminating on November 30, 2038.

2. Renewal Option.

The Lessee shall have the right to renew this lease for one ten (10) year extension subject to and contingent upon the Lessee giving written notice to the Lessor not sooner than one (1) year and not less than one hundred and twenty (120) days prior to the termination date of this Agreement. Additional renewals may occur upon mutual agreement of the Parties. Lessor reserves the right to re-negotiate terms and conditions of this Agreement upon any renewal according to current market conditions.


During the total period of this Agreement, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the Premises identified and shown on Exhibit A, attached hereto and incorporated herein by reference as set forth in full, together with the right of ingress and egress for Lessee’s designated personnel, and for both vehicles and aircraft.

4. Premises Use.

The development and/or use of any Premises located within the current or future boundaries of the Nampa Municipal Airport shall be consistent with the most recent Airport Master Plan and Airport Regulations. In addition, Lessee may use and occupy the leased Premises for the purpose(s) of (list all): AIRCRAFT STORAGE.

It is agreed that the only activity which Lessee may conduct on the leased premises, directly or indirectly, alone or through others, is that which is authorized under the terms of the agreement. Lessee understands and agrees that the right of ingress and egress to runways, taxiways, and aprons, now and hereinafter designed or constructed by Lessor shall be subject to all Airport Rules and Regulations,
Minimum Standards, laws, regulations, grant obligations, policies and ordinances now or hereinafter adopted, and that the use of said runways, taxiways and aprons shall be in common with others and that the same shall not be obstructed by Lessee or closed to the right of use or travel by others. Lessor shall provide Lessee with a copy of the most current version of the above cited Airport Rules and Regulations and Minimum Standards at the time of execution of this agreement. Lessor shall provide notice to Lessee prior to any amendments to said documents, the most current versions of which may be obtained from the Airport Superintendent.

Furthermore, it is understood by both parties that nonaeronautical uses and storage are not permitted at the Nampa Municipal Airport, and that if Lessee is found to be conducting a nonaeronautical use upon the leased premises, said activity shall be grounds for breach and default under this agreement. For all purposes, the term “Nonaeronautical Use” shall be construed consistently with how the term is used and defined on an ongoing basis by the FAA. To assist the parties in understanding how that term has been defined of near the time of execution of this document, as of September 30, 2009, under Order 5190.6B, the Director of the Airport Compliance and Field Operations Division (ACO-1) has defined “Aeronautical Use” as “all activities that involve or are directly related to the operation of aircraft, including activities that make the operation of aircraft possible and safe. Services located on the airport that are directly and substantially related to the movement of passengers, baggage, mail, and cargo are considered aeronautical uses.” Order 5190.6B at § 18.3(a). Order 5190.6B then provides that “All other uses of the airport are considered nonaeronautical.” Order 5190.6B at § 18.3(c).

5. Construction and Improvements; Subsequent Modifications, Alterations and Add-ons.

During the total period of this Agreement, it is agreed and understood that the Lessee intends to construct, at Lessee’s sole expense, structures and ground improvements upon said leased Premises, which said construction shall be subject to the following conditions:

a. Construction shall be completed on each and every lot or lots leased by Lessee no later than six (6) months from the Effective Date of this agreement. Construction shall be deemed complete when the hangar or structure is eligible for or in receipt of a certificate of occupancy. If Lessee does not complete construction, except for reasons which the Lessor agrees to be beyond Lessee’s control, this lease will terminate on the six (6) month anniversary of the Effective Date. If, however, prior to the six (6) month anniversary of the Effective Date, Lessee requests in writing an extension of time in which to complete construction already commenced and substantially underway, Lessor may grant an extension of time, not to exceed one hundred twenty (120) days, in which to complete said construction. If construction is commenced but not completed during the initial six (6) month period or an extension thereof, any structure or improvements remaining on the leased premises shall be dealt with in accordance with Section 9 below.

b. The construction of all facilities, together with landscaping, fencing and parking, shall be in accordance with plans to be reviewed and approved in writing by the Lessor before construction begins. All plans, specifications and construction activities shall comply with and be subject to all applicable laws and ordinances of the City of Nampa, the State of Idaho, and of the United States, the Airport Master Plan in effect, and shall be approved by the Nampa Airport Commission and the Nampa City Council. Further, any proposed construction may also be
subject to FAA approval through the 7460 (Notice of Proposed Construction or Alteration) process.

c. Any additions or alterations to any structure located on the leased premises shall be reviewed and approved in writing by the Airport Superintendent before commencement of construction, and may require, among other things, the obtaining of a building permit from the City of Nampa and/or FAA approval through the 7460 (Notice of Proposed Construction or Alteration) process.

6. Rental Payments.

During the total period of this Agreement, Lessee covenants and agrees to pay annual rent for the Premises on the 1st day of January of each year unless otherwise agreed upon in writing by Lessor. The initial annual rental fee for the Premises shall be 26.9 cents per square foot of the entire Premises area. If the initial calendar year of the lease is less than twelve months the Lessee will pay a pro-rata payment to cover the first partial year at the time of signing this lease. Rental payments not paid within 30 days of the agreed date(s) shall be considered delinquent and in default of this Agreement.


The rent will be automatically increased annually, effective January 1, according to the percentage increase of the Consumer Price Index – US City Average, All Items (CPI-U, Bureau of Labor Statistics) for the twelve calendar months prior to and including the most recent month for which such Index is available. The automatic annual increase shall be calculated as follows:

\[
\text{Current Year's Rent} = \text{Last Year's Rent} \times \left( \frac{\text{Current CPI-U}}{\text{Last Year's CPI-U}} \right)
\]

Additional periodic adjustments to the rental rate may be made in years ending with 5 or 0 (for instance, 2015 and 2020) as deemed necessary by Lessor to reflect cost of service increases, comparative rates, or other factors supporting an increase beyond the automatic annual CPI-U adjustment. Such periodic adjustments shall not be less than the automatic annual increase. Rental rates and adjustments are set by the City Council of the City of Nampa.

8. Rights and Obligations of Lessee.

a) The right of ingress and egress to such runways, taxiways, and aprons, now or hereinafter designated by Lessor is subject to all city, state, and federal rules and regulations pertaining to the use of runways, taxiways, and aprons.

b) The right of Lessee to the use of all runways, taxiways, and aprons or access roads shall be in common with others and that the same shall not be obstructed by Lessee or closed to the right of use or travel by others.

c) All use and operation on the Premises shall be in strict accordance to all applicable city rules and regulations, including but not limited to the Nampa Municipal Airport Rules and Regulations and current Master Plan. All Rules and Regulations now in existence, or as herein amended, or hereinafter promulgated and adopted, are incorporated herein and made a part hereof by reference.

d) Lessee shall keep and maintain, and repair in reasonable conditions, all property, ground, runways, taxiways, and any and all property belonging to Lessor which may be injured by
Lessee in maintaining or operating on said Premises.

e) Outside storage on the leased area, which in the opinion of the Airport Superintendent creates unsightly or dangerous conditions, shall not be allowed.

f) Lessee shall not permit any person to use any part of the Premises for residential use.

g) Lessee shall, within thirty (30) days of receiving an invoice from Lessor, reimburse Lessor for any costs or expenses incurred in obtaining a survey or legal description of the Premises in order to comply with the requirements of FAA Form 7460-1.

9. Termination of Agreement & Option to Purchase Improvements.

(a) Upon expiration or termination, for any reason, of this Airport Tenant Agreement, or any extension thereof, Lessee shall remove its personal property, including structures or buildings, and restore the premises to a condition acceptable to Lessor. If the parties have not entered into a renewed lease or a new lease agreement, and Lessee has not removed its personal property, including structures, buildings, or portions thereof, or sold said property to another party who has executed a new lease agreement with the Lessor, within 120 days after termination or expiration of this lease Agreement, Lessor shall have the right, but not the obligation, to purchase some or all of the personal property remaining on the leased premises, including structures or buildings, for the sum of One and No/100 dollar ($1.00).

(b) Lessee, when tendered the above sum, will have no further right or interest in the above described personal property and agrees to execute any and all necessary sale documents, including but not limited to a Bill of Sale, and Lessor shall be entitled to possession and ownership of the personal property. Prior to the exercise of Lessor's option herein provided for, Lessee shall have the right to sell and remove some or all of its personal property, including structures or buildings to a third party or parties, subject to any valid lien Lessor may have on said property or structures for unpaid rent or other amounts payable by Lessee to Lessor, and subject to Lessee's obligation to restore the premises to a condition acceptable to Lessor. However, no purchaser of any of Lessee's property shall have any right to continued occupancy of the leased premises without execution of a written agreement between said purchaser and Lessor.

10. First Right of Refusal.

Upon expiration or termination of this Agreement or any renewal of this Agreement, or in the event Lessee determines to sell or otherwise transfer ownership of structures and/or improvements specified in this agreement, the Lessor shall have a first right of refusal to purchase or accept transfer of such structures or improvements. Lessor may transfer this first right of refusal to a new lessee of the Premises. Lessee shall give notice to Lessor advising of any such proposed sale or transfer and its price and terms. Lessor shall have ninety (90) days from receipt of such notice to exercise its first right of refusal and complete a purchase or receive a transfer upon identical terms.

11. Termination; Default.

(a) In any of the following events which shall constitute “events of default,” Lessor shall have the right at Lessor’s election, immediately to terminate this agreement, or to terminate Lessee’s tenancy hereunder:
1. Lessee shall fail to pay rent in the amounts and at the times and in the manner provided herein, and that failure shall continue for sixty (60) or more days after written notice of it shall have been given to Lessee.

2. Lessee shall make an assignment for the benefit of creditors, or shall file a petition in bankruptcy, or shall be adjudged a bankrupt, and that adjudication be not stayed or vacated within sixty (60) days later, or the interest of Lessee under this agreement shall be levied upon and sold upon execution or shall by operation of law become vested in another person, firm or corporation because of the insolvency of Lessee; or in the event that a receiver or trustee shall be appointed for Lessee or the interest of Lessee under this agreement, and such appointment has not been vacated within sixty (60) days later.

3. Lessee shall vacate or abandon the premises, or any portion thereof, or shall permit them to remain vacant or unoccupied without first obtaining consent of Lessor.

4. Lessee shall fail to observe any other provision of this agreement after sixty (60) days written notice given by Lessor of such failure.

In the event of notification of default by Lessor to Lessee, Lessee shall pay, in addition to all arrearages as may exist under the notice of default, the reasonable attorney fees incurred by Lessor in determination of the default and notification to the defaulting Lessee.

(b) Upon the occurrence of any of the events of uncured, material default specified herein, Lessee's right to possession of the leased premises shall, at the Lessor's option, terminate and Lessee shall surrender possession immediately. In that event Lessee grants to Lessor full license to enter into the premises, or any part of them, to take possession with or without process of law, and to remove Lessee or any other person who may be occupying the premises, or any part of them, and Lessor may use that force in removing Lessee and that other person as may reasonably be necessary. And Lessor may repossess itself of the premises as of its former estate, but that entry of the premises shall not constitute a trespass or forcible entry or detainer, nor shall it cause a forfeiture of rents due, nor waiver of any agreement or promise in this lease that is to be performed by Lessee. Lessee shall make no claim of any kind against Lessor, its agents and representatives by reason of that termination or any act incident to it.

At its option, Lessor may terminate this agreement for any uncorrected default. Lessor may sue for all damages and rent accrued or accruing under this agreement or arising out of any breach of it.

If it so elects, Lessor may pursue any other remedies provided by law for the breach of this agreement or any of its terms or conditions. No right or remedy conferred here on or reserved to Lessor or Lessee is intended to be exclusive of any other right or remedy, and each right and remedy shall be in addition to any other right or remedy given, or now or later existing at law or at equity or by statute.

The acceptance of rent by Lessor, whether in a single instance or repeatedly, after it falls due, or after knowledge of any breach of this agreement by Lessee, or the giving or making of any notice or demand, whether according to any statutory provision or not, or any act or series of acts except an express waiver in writing, shall not be construed as a waiver of Lessor's right to act or of any other right.
here given Lessor, or as an election not to proceed under the provisions of this agreement.

The obligation of Lessee to pay the rent reserved here during the balance of the term of this agreement shall not be deemed to be waived, released or terminated by the service of any sixty (60) day notice, other notice to collect, demand for possession, or notice that the tenancy here created will be terminated on the date there named, the institution of any action of forcible detainer or ejectment or any judgment for possession that may be rendered in action, or any other act or acts resulting in the termination of Lessee's right to possession of the leased premises. Lessor may collect any rent due from Lessee, and payment or receipt of that rent shall not waive or affect any notice, demand or suit, or in any manner waive, affect, change, modify or alter any rights or remedies Lessor may have by virtue of this lease agreement.

Lessee hereby agrees to pay all reasonable expenses incurred by Lessor in obtaining lawful possession of the leased premises from Lessee, including reasonable attorney fees and costs, and to pay such other expenses as the Lessor may incur in putting the premises in good order and condition as herein provided, and also to pay all other necessary expenses or commissions paid by Lessor in re-leasing the premises.

12. Assignments, Transfers and Subleases.

This Agreement, in whole or any part thereof, may not be assigned or transferred by Lessee, by process of law, or in any other manner whatsoever, without prior written consent of Lessor. Lessee may not sublease all or any portion of its interest in this Agreement unless written notice of said sublease is given to Lessor, said notice providing the name and contact information for any such subtenant. No permitted assignment, transfer or sublease shall releases the Lessee of its obligations or alters the primary liability of the Lessee to pay the rent and to perform all other obligations of the Lessee as specified in this Agreement, unless otherwise agreed to in writing between the parties. Any permitted assignment or transfer, and all subleases, must comply with all terms and conditions of this Agreement.

- Lessor may, at its option, terminate this Agreement upon any assignment or transfer of any interest herein without the Lessor's prior written consent, or for any sublease for which proper notice has not been given to Lessor. “Transfer” also includes any change in the ownership of Lessee and/or the voting stock of Lessee.
- Lessor may, at its option, terminate this agreement upon any change of the premises’ use (see paragraph 4) without the Lessor’s prior written consent.
- Lessor may, at its option, terminate this Agreement in the event JOSEPH D. BALLenger shall cease to remain responsible for the day-to-day operation of the rights and obligations of Lessee as set forth in this agreement.


The Lessor reserves the right to enter upon that portion of the leased area outside of the structures which is not covered with asphalt or concrete and perform whatever construction or maintenance is necessary to provide a concrete or asphalt surface at no cost to the Lessee. The Lessor also retains the entire leased area outside the structures as a general utility easement and any surface disturbed by the Lessor in constructing a utility shall be restored to its original condition by the Lessor. Lessee acknowledges that such work, and other related airport activities, will benefit Lessee, though it may cause temporary inconvenience to Lessee. Rent shall be abated as a result of such inconvenience, for the duration of said
inconvenience, ONLY if Lessee is unable to access Lessee’s hangar for a period longer than thirty (30) days.


The installation and maintenance of any future improvements to the Premises by Lessee shall first be agreed upon in an amendment or modification to this Agreement.

15. Hazardous Substances.

Lessee shall not engage, and shall not permit others to engage in an operation on the premises that involves the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of any “hazardous substances” without the prior written consent of Lessor, which may be withheld or granted at Lessor’s sole discretion. As used herein, the term “hazardous substance” means any hazardous or toxic substance, material, or waste which is, or becomes regulated by any federal, state, county, or local governmental agency. Lessee agrees to indemnify and hold harmless Lessor against any and all claims and losses resulting from a breach of this provision of this Agreement. This obligation to indemnify shall survive the payment of the indebtedness and the satisfaction of this Agreement.

16. COMPLIANCE WITH LAWS AND REGULATIONS.

Lessee agrees to observe and obey during the term of this lease all laws, ordinances, rules, and regulations promulgated and/or enforced by Lessor or by other proper authority having jurisdiction over the conduct of operations at the airport, and to do all things necessary to stay or become in compliance with the same. Lessee further specifically agrees to comply with all requirements of the FAA, including but not limited to, those requirements originating out of the City of Nampa’s relationship with the FAA, or which find their origin in relation to grants or other contractual arrangements between the City of Nampa and the FAA. Lessor reserves the right to amend this lease in conformance with the provisions of Section Twenty-Nine (29) hereinbelow to conform with any changes in Municipal, State or Federal laws, rules, regulations and ordinances. If at any time it is discovered that the provisions of this lease violate or are in any way inconsistent with current or later enacted Municipal, State or Federal laws, rules, regulations, ordinances, FAA policies, orders, advisory circular documents, grant obligations/assurances, or with any obligation the City of Nampa may have with respect to the FAA, Lessor shall have the right to amend this lease in conformance with the provisions of Section Twenty-Nine (29) hereinbelow as necessary to make this lease agreement consistent therewith. Lessee further agrees to execute any addendums or other requirements as may be imposed by the FAA as a condition of operating the Airport and/or receiving grant funding for Airport projects.

17. Utilities.

Lessee shall be responsible for all utilities to the Premises. Lessee shall pay for the hookup fees and all monthly fees for such utilities. Lessee is responsible for garbage collection used in or about said premises at Lessee’s own cost and expense. Lessee shall pay for any initial hookup fees and shall pay any assessment fees levied for such irrigation water.
18. Taxes and Assessments.

During the total period of this Agreement, Lessor shall pay all taxes and assessments of any kind levied against the land identified as the Premises during the term of this Lease and any extension thereof; and Lessee shall pay any personal property taxes and assessments of any kind levied against Lessee's personal property, promptly, as the same become due.

19. Fire Hazards.

The Lessee shall not do anything in the Premises or bring or keep anything therein which will increase the risk of fire, or which will conflict with the regulations of the fire department or any fire laws, or with any fire insurance policies on the buildings, or with any rules or ordinances established by the board of health, or with any municipal, state or federal laws, ordinances or regulations. Unless otherwise noted in Section 31, below, NO FUEL MAY BE STORED ON THE PREMISES.

20. Labor Contracts and Employees.

The parties hereto expressly covenant and agree that all labor contracts and employment agreements with employees shall be made directly with Lessee and that all such employees shall be deemed solely the employees of Lessee and in no way employees of Lessor. Lessee covenants and agrees to indemnify and hold harmless Lessor of and from any liability for any acts of employees of Lessee or any acts of persons working for Lessee under a labor contract.

21. Right of Inspection; Emergency.

Lessor reserves the right to enter upon the leased premises upon forty-eight (48) hours prior written notice to Lessee for the purpose of making any inspection necessary to the proper enforcement of the covenants and conditions of this agreement. Such notice shall not be necessary in the case of an emergency affecting life or property, or if Lessor suspects that Lessee has abandoned the premises.


Lessee shall not commit any waste or damage to the Premises hereby leased nor permit any waste or damage to be done thereto.

23. Liability.

Lessor shall not be liable for any injury or damage which may be sustained by any person or property of the Lessee or any other person or persons resulting from the condition of said Premises or any part thereof, or from the street or subsurface, nor shall the Lessor be liable for any defect in the building and structures on said demised Premises, latent or otherwise. Lessee shall indemnify and hold the Lessor, the employee(s) of the Lessor, and the property of the Lessor, including the Premises, free and harmless from any and all claims, liability, loss, damage, or expense resulting from Lessee occupation and use of the Premises and the structures thereon, including any claim, liability, loss, or damage arising by reason of injury to or death of any person or persons, or by reason of damage to any property caused by the condition of the Premises, the condition of any improvements or personal property in or on the Premises, or the acts or omissions of Lessor or any person in or on the Premises with the express or implied
consent of the Lessee. This paragraph 23 does not cover intentional acts by Lessor or its employees.

24. Liability Insurance.

If Lessee will be acting as a Fixed Base Operator, then Lessee shall maintain a comprehensive liability insurance policy in the minimum amount of **$1,000,000 each occurrence $2,000,000 aggregate** covering the above described premises during the term of this Lease with an insurance company licensed by the Idaho Department of Insurance, all at the sole cost and expense of Lessee, in accordance with the Airport Rules and Regulations, Airport Minimum Standards or any modifications or amendments thereto. Lessee shall provide Lessor with a binder for said insurance showing proof of insurance. Lessee understands and agrees that if the Airport Minimum Standards or Rules and Regulations, or any subsequent modifications or amendments thereto, require Lessee (due to Lessee’s particular category of Fixed Base Operator) to procure insurance in an amount exceeding the limits noted above, Lessee shall procure and maintain insurance in said greater amounts.

If Lessee will solely be occupying the leased premises for private, non-commercial aircraft storage, then Lessee shall maintain a comprehensive liability insurance policy in the minimum amount of **$500,000 each occurrence $1,000,000 aggregate** covering the above described premises during the term of this Lease with an insurance company licensed by the Idaho Department of Insurance, all at the sole cost and expense of Lessee, in accordance with the Airport Rules and Regulations, Airport Minimum Standards or any modifications or amendments thereto. Lessee shall provide Lessor with a binder for said insurance showing proof of insurance.

25. Attorney’s Fees.

In the event an action is brought to enforce any of the terms or provisions of this Lease, or enforce forfeiture thereof for default thereof by either of the parties hereto, the successful party to such action or collection shall be entitled to recover from the losing party a reasonable attorney's fee, together with such other costs as may be authorized by law.


All notices required to be given to each of the parties hereto under the terms of this Agreement shall be given by depositing a copy of such notice in the United States mail, postage prepaid and registered or certified, return receipt requested, to the respective parties hereto at address listed immediately below, or to such other address as may be designated by writing delivered to the other party. All notices given by certified mail shall be deemed completed as of the date of mailing, except as otherwise expressly provided herein.

<table>
<thead>
<tr>
<th>Lessor</th>
<th>Lessee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nampa Municipal Airport</td>
<td>Joseph D. Ballenger</td>
</tr>
<tr>
<td>c/o Airport Superintendent</td>
<td>2218 Mores Trail Drive</td>
</tr>
<tr>
<td>116 Municipal Drive</td>
<td>Meridian, ID 83642</td>
</tr>
<tr>
<td>Nampa, ID  83687</td>
<td></td>
</tr>
</tbody>
</table>

NAMPA MUNICIPAL AIRPORT LAND LEASE AGREEMENT – PAGE 10
27. Maintenance.

Lessee shall have sole responsibility for maintenance of the leased Premises, adjacent apron, and any associated improvements and/or structures during the total period of this Agreement. Maintenance shall specifically include landscaping and required maintenance (i.e. crack sealing and resurfacing) of the asphalt/concrete area as needed, but at least once every five (5) years. Lessee shall maintain all surfaces not covered by asphalt or concrete in a weed free condition and restrict parking from said area unless the area has been excavated to the proper subgrade and backfilled with an amount of gravel as specified by the Lessor.


The following obligations are assumed by Lessee and include the following: the Lessee, for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall use the Premises not in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation. Subtitle A. Office of the Secretary, Part 2 1. Department of Transportation-Effectuation Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended; that in the event of breach of any of the preceding nondiscrimination covenants, Lessor shall have the right to terminate this Lease, to reenter and repossess said land and the facilities thereon, and hold the same as if said Lease had never been made or issued.

29. Amendments and Modification.

This Agreement may be amended and/or modified by a written instrument signed, dated, and notarized by both Lessor and Lessee. However, Lessor reserves the right to amend this lease upon giving Lessee 180 days written notice of such amendment or modification, so long as the amendment or modification is necessary to comply with FAA rules or regulations other Federal or State regulations governing the use of Airports, or to bring this lease agreement into compliance with Municipal, State or Federal laws, rules, regulations, ordinances, FAA policies, orders, advisory circular documents, grant obligations/assurances, or any obligation the City of Nampa may have with respect to the FAA. Any amendment or modification shall take place on the Anniversary Date of this lease. In the event Lessee does not agree to such amendment or modification, this lease shall terminate following the expiration of 180 days prior written notice of such changes or amendments. Any modification to this lease shall be attached to or become a part of this lease, and any such amendment or modification shall be signed and dated by both Lessor and Lessee.

30. Binding Effect.

The provisions and stipulations hereof shall inure to the benefit of and bind the heirs, executors, administrators, assigns and successors in interest of the respective parties hereto.


The use and occupancy of the land shall be subject to the following special provisions:
• Lessee shall provide a list of all based aircraft (operational and airworthy aircraft based at a facility for a majority of any 12 month period) housed on the leased premises to the Airport Superintendent's office, and shall keep said list current at all times. The list shall include the name, address, and phone number of each aircraft’s owner(s), the aircraft make and model, and aircraft registration numbers.

• Modification Charge: In the event Lessee requests and Lessor approves, an amendment or modification of the Lease, Lessee shall, with the lease modification request form, include a $100 fee for administrative expenses related to the development, review, and approval of the Amendment.

• Joint and Several Liability: If more than one person or entity executes this Lease as Lessee, then (i) each of them is jointly and severally liable for the keeping, observing and performing of all of the terms, covenants, conditions, provisions and agreements of this Lease to be kept, observed and performed by Lessee, and (ii) the term “Lessee” as used in this Lease shall mean and include each of them jointly and severally and any act of or notice from, or notice or refund to, or signature of, any one or more of them, with respect to the tenancy of this Lease, including without limitation any renewal, extension, expiration, termination or modification of this Lease, shall be binding upon each and all of the persons executing this Lease as Lessee with the same force and effect as if each and all of them had so acted or so given or received such notice or refund or so signed.

32. Recording.

The parties hereto agree that they will not record a copy of this Agreement, Lessee's occupancy of said Premises being notice of Lessee's interest therein, provided however, that a memorandum of lease may be recorded.

33. Prohibition Against Exclusive Rights.

In accordance with the FAA Airport and Airway Improvement Act of 1982, 49 U.S.C. § 47101, et seq., 49 U.S.C. § 40103(e), and other federal law, rules, regulations and orders governing the use and operation of airports, and the Airport Improvement Program (AIP) and other grant assurances, nothing contained herein shall be construed to authorize the granting, either directly or indirectly, of an “exclusive right,” as that term is used in the above cited authority. To the extent any term or condition of this lease or any other agreement, express or implied, between the Lessee and Lessor can be considered to grant an exclusive right in violation of the above-cited authority, the parties agree that said term or condition shall be treated as null and void ab initio.

34. Conflict of Provisions of Lease.

In the event there is any conflict between the provisions of this lease and the applicable Minimum Standards and/or Airport Rules and Regulations, unless otherwise specifically noted in this lease, the applicable Minimum Standards and Rules and Regulations shall control over the terms and conditions of this lease.
In Witness Whereof

The Lessor and Lessee do execute this Lease Agreement the day and year first above written.

Lessor:

The City of Nampa

By:  
Debbie Kling, Mayor

Attest:  
Deborah Bishop, City Clerk

By:  
Montgomery Hasl, Airport Superintendent

Lessee:

By:  
Joseph D. Ballenger

Personal Guarantee.

Performance of the terms of this Lease Agreement by Lessee is personally guaranteed by the undersigned personal guarantor(s).

By:  
Joseph D. Ballenger

By:  
Date

NAMPA MUNICIPAL AIRPORT LAND LEASE AGREEMENT – PAGE 13
Airport Lot #2346: 50' wide x 30' deep = 1,500 square foot at $0.269 per square foot = $404.00 per year (rounded).

Payment by Leland J. Haley for 2018 will be transferred. No additional payment due for 2018.
EXHIBIT "A"

DESCRIPTION OF LEASE PARCEL 2346

A parcel of land lying in the SW 1/4 of the NE 1/4 of Section 24, Township 3 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the C 1/4 comer of said Section 24 from which the 1/4 comer common to Sections 19 and 24, Township 3 North, Range 2 West, Boise Meridian, bears S.89°28'08" E., 2642.02 feet; thence, from said C 1/4 corner,

A) N.45°02'34"E., 1075.41 feet to a point marking the northwest corner of said parcel, and the POINT OF BEGINNING; thence, along the northerly line of said parcel,

1) N.90°00'00"E., 60.00 feet to the northeast corner of said parcel; thence, along the easterly line of said parcel,

2) S.00°00'00"W., 50.00 feet to the southeast corner of said parcel; thence, along the southerly line of said parcel,

3) S.90°00'00"W., 60.00 feet to the southwest corner of said parcel; thence, along the westerly line of said parcel,

4) N.00°00'00"E., 50.00 feet to the POINT OF BEGINNING.

CONTAINING 3,600 square feet or 0.07 acres, more or less. Hangar 2346 - west half only - 1500 Square Feet

SUBJECT TO: All Covenants, Rights, Rights-of-Way, Easements of Record, and other encumbrances.

BOISE • COEUR d'ALENE

NAMPA MUNICIPAL AIRPORT LAND LEASE AGREEMENT — PAGE 15
FIRST AMENDMENT TO
NAMPA MUNICIPAL AIRPORT
LAND LEASE AGREEMENT

THIS AMENDMENT TO NAMPA MUNICIPAL AIRPORT LAND LEASE AGREEMENT (“Amendment”) is entered into on the ___ day of _________________, 2019, by and between the CITY OF NAMPA, an Idaho municipal corporation of 411 3rd Street South, Nampa, Idaho 83651 (“Lessor”), and JOSEPH D. BALLenger, of 2218 Mores Trail Drive, Meridian, Idaho 83642 (“Lessee”), and THE BALLenger FAMILY REVOCABLE LIVING TRUST, also of 2218 Mores Trail Drive, Meridian, Idaho 83642 (“Assignee”).

RECITALS

WHEREAS, Lessor and Lessee entered into a Nampa Municipal Airport Land Lease Agreement on November 20, 2018 (the “Lease”);

WHEREAS, Lessee wishes to assign his interest in the Lease to Assignee;

WHEREAS, Assignee THE BALLenger FAMILY REVOCABLE LIVING TRUST, wishes to assume the Lease from Lessee;

WHEREAS, the parties agree that Lessee may assign Lessee’s right, title and interest under the Lease to Assignee as set forth herein; and

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

1. Lessee JOSEPH D. BALLenger does hereby sell, assign and transfer unto Assignee THE BALLenger FAMILY REVOCABLE LIVING TRUST, all of Lessee’s right, title and interest as Lessee in and to the above described Lease.

2. Assignee THE BALLenger FAMILY REVOCABLE LIVING TRUST, agrees to assume all of the obligations of Lessee under the Lease as of the date of this Amendment.

3. Lessee JOSEPH D. BALLenger understands and acknowledges that he shall remain personally liable for the obligations of the Lessee and Assignee under the Lease.

All other terms, conditions and covenants of the Lease Agreement shall remain in full force and effect.
THE CITY OF NAMPA, IDAHO
“Lessor”

By: ________________________________
    DEBBIE KLING, Mayor

Attest: _____________________________
       DEBORAH ROSIN, City Clerk

By: ________________________________
    MONTGOMERY HASL, Airport Superintendent

JOSEPH D. BALLenger
“Lessee”

_________________________________

THE BALLenger FAMILY REVOCABLE LIVING TRUST
“Assignee”

By: ________________________________
    JOSEPH D. BALLenger, Trustee
BEFORE THE NAMPA CITY COUNCIL

CITY OF NAMPA, CANYON COUNTY, IDAHO

In The Matter of an Appeal of the Denial of )
A Conditional Use Permit Application by: )
JAMES R. WYLIE )
) Case No. CUP-129-18/APL 008-19

This matter came before the Nampa City Council ("Council") for hearing and consideration on the 4th day of March 2019 upon an appeal filed by applicant James R. Wylie ("Wylie"), pursuant to Nampa City Code §10-25-10. Wylie appeals the decision of the Nampa Planning & Zoning Commission ("P&Z") denying his application for a Conditional Use Permit ("CUP") to construct a 72-unit apartment complex on a 3.06 acre parcel commonly known as 16056 N. Merchant Way ("Subject Property"). Pursuant to Nampa City Code §10-25-13, the Council hereby makes the following findings, conclusions of law and decision reversing the decision of P&Z and approving the issuance of the CUP.

I.

RECORD

Council’s decision is made from the evidence and testimony presented at the hearing on March 4, 2019.
II.

FINDINGS OF FACT

1. The Subject Property is located within the corporate limits of the City of Nampa, zoned BC (Community Business), and designated as General Commercial on Nampa’s Comprehensive Plan Land Use Map.

2. Wylie proposes to construct a 72-unit apartment project consisting of three 24-unit, 3-story buildings including fifty-four 2-bedroom/2-bath units, nine 3-bedroom/2-bath units; and nine 1-bedroom/1-bath units (“Proposed Use”).

3. The Proposed Use is a special or conditional use in the BC zone and requires issuance of a CUP. P&Z has the authority to issue or deny CUP’s pursuant to the Nampa City Code and Idaho’s Local Land Use Planning Act Applicants whose CUP are denied by P&Z have the right to appeal such denial to the Council.

4. This matter was originally heard by P&Z on January 23, 2019 and the application was denied for the following reasons:

   a. The location, size and design of the Proposed Use will not be reasonably compatible with and will adversely affect the livability or appropriate development of the surrounding neighborhood.

   b. The location, design, and site planning of the Proposed Use will not be as attractive as the nature of the use and its location and setting warrants.

   c. The Proposed Use will not enhance the successful operation of the surrounding area in its basic community function.
5. The Proposed Use is adjacent to an existing machine shop that generates significant, regular noise and periodic dust, vibrations, fumes, and smoke in the normal course of its operations.

6. The Council finds that the Proposed Use is reasonably compatible with and will not adversely affect the livability or appropriate development of the surrounding neighborhood because of its proximity to existing commercial, industrial, professional, and health care facilities in the area. From a land use standpoint, the location is shown on the Comprehensive Plan Land Use Map for General Commercial land use and apartments are an example of such use. Further, while the adjoining machine shop may not be strictly compatible with a residential use, the two uses can be made reasonably compatible by imposition of the special conditions of approval set forth below. Further, the presence of the apartments should not adversely affect the machine shop operations. For purposes of Nampa City Code §10-25-13, Council finds that P&Z erred in failing to find that the Proposed Use can be made reasonably compatible through the imposition of special conditions addressing the potential incompatibility.

7. The location, design, and site planning of the Proposed Use will be as attractive as the nature of the use and its location and setting warrants. The style of the proposed apartments demonstrates a variation of rooflines, exterior features, textures, shadow lines and colors all of which is consistent with, or an aesthetic improvement upon, other properties in the vicinity. For purposes of Nampa City Code §10-25-13, Council finds that P&Z erred in concluding, without significant analysis, that the Proposed Use lacks sufficient attractiveness.

8. The Proposed Use will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community in that permanent, higher-density residences in the vicinity of the other planned and existing
commercial uses (shopping, restaurants, places of employment, and healthcare facilities) will provide easy access between needed services and the served public. These uses are complimentary and proportional residential use is not currently in the immediate vicinity. For purposes of Nampa City Code §10-25-13, Council finds that P&Z erred in concluding, without significant analysis, that the Proposed Use is somehow inconsistent with successful land use operations in the vicinity.

9. If any of the forgoing findings of fact may be deemed, in whole or in part, conclusions of law, the same are adopted and incorporated as conclusions of law.

III. CONCLUSIONS OF LAW

1. Council has the authority to affirm, reserve or modify the decision of P&Z denying Wylie’s CUP application to construct the Proposed Use.

2. All of the applicable notice requirements provided for by Idaho Code, Constitutional requirements, Nampa City Ordinance provisions and adopted policies have been met.

3. The hearing on this matter was conducted in conformance with all applicable Idaho Code requirements, Constitutional requirements, Nampa City Ordinance provisions and adopted policies.

4. The Proposed Use is conditionally permitted by Nampa City Code.

5. Wylie timely appealed the denial of his Conditional Use Permit application to the Council pursuant to Nampa City Code §10-25-10.

6. If any of the foregoing conclusions of law may be deemed, in whole or in part, findings of fact, the same are adopted and incorporated as findings of fact.
IV.

DECISION

The Council, based upon the record in this matter and being fully informed in the premises and further based upon findings of fact and conclusions of law set forth herein DOES HEREBY DETERMINE AND DECIDE AS FOLLOWS: The decision of P&Z denying Wylie’s application for a CUP to construct the Proposed Use is reversed. Issuance of the CUP is granted subject to the following special conditions:

1. Construction of the Proposed Use must comply with the American’s with Disabilities Act in all respects, including the installation of handicapped parking spaces (2 minimum per building) located on both sides of the buildings providing equal access to all building fronts.

2. Trees in the landscape buffer adjoining the machine shop to the east shall be evergreen (white pine, blue spruce or equivalent) and be a minimum of 3-inch caliper at the time of planting.

3. Every lease for property in the Proposed Use shall contain the following language:

   Tenant acknowledges and understands that the residential property which is the subject of this lease is in the vicinity of industrial operations that will produce noise, dust, vibrations, fumes, and odors and that these may adversely impact tenant’s use and enjoyment of the leased property. Further, industrial operations may appear unsightly in comparison with nearby residential and commercial properties.

4. Applicant shall construct a playground or “tot lot” between the buildings on the east side of the development.

5. A bicycle parking area sufficient for 15 bicycles shall be included as an amenity and reasonably located for convenient tenant use.
6. The applicant shall install a solid CMU block wall with evergreen landscape screen adjacent the easterly property line to mitigate concerns raised by the adjacent machine shop business.

7. All requirements of the Nampa fire and building departments regarding apartment use shall be satisfied.

8. The CUP is issued for the life of the buildings as apartments.

9. Applicant will be required to construct frontage improvements including, but not limited to, curb, gutter, road widening, and sidewalk.

10. At time of CUP application and issuance, owner will pay the standard applicable fees.

This Findings of Fact, Conclusions of Law and Decision is approved and adopted by the Nampa City Council on this 18th day of March 2019.

Deborah Kling, Mayor

Attest:

____________________________
Debbie Rosin, City Clerk
NOTICE TO APPLICANT

You are hereby notified of the following:

Pursuant to Idaho Code §67-6519(4) you are entitled to request that the City of Nampa conduct a regulatory takings analysis pursuant to the Idaho Regulatory Takings Act (Idaho Code §67-8001 et seq.)

Pursuant to Idaho Code §67-6519(4)(a) your Conditional Use Permit application was evaluated by the City of Nampa Comprehensive Plan, Title 10, Chapter 25 of the Nampa City Code, the Local Land Use Planning Act (Idaho Code §67-6501 et seq.) with particular emphasis on Sections 67-6512.
# Bank Accounts

**For month Ended February 2019**

<table>
<thead>
<tr>
<th>Bank</th>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Medical Trust Checking</td>
<td>8XXX329</td>
<td>$532,670.59</td>
</tr>
<tr>
<td>Wells Fargo Depository</td>
<td>8XXX014</td>
<td>$3,569,412.04</td>
</tr>
<tr>
<td>Wells Fargo HUD</td>
<td>8XXX468</td>
<td>$-</td>
</tr>
<tr>
<td>Wells Fargo AP (Legacy Account)</td>
<td>1XXXX36533</td>
<td>$24,362.11</td>
</tr>
<tr>
<td>Wells Fargo Payroll (Legacy Account-Closed Feb. 2019)</td>
<td>1XXXX6525</td>
<td>$-</td>
</tr>
<tr>
<td>Wells Fargo Utility Billing</td>
<td>1XXXX01451</td>
<td>$221,076.04</td>
</tr>
<tr>
<td>Wells Fargo Police Special Ops</td>
<td>1XXXX36582</td>
<td>$52,827.18</td>
</tr>
<tr>
<td>Wells Fargo Police SIU</td>
<td>2XXXX60985</td>
<td>$68,812.13</td>
</tr>
<tr>
<td>Wells Fargo Parks Impact Fees</td>
<td>6XXXX37001</td>
<td>$1,422,987.34</td>
</tr>
<tr>
<td>Wells Fargo Police Impact Fees</td>
<td>6XXXX37027</td>
<td>$820,943.85</td>
</tr>
<tr>
<td>Wells Fargo Fire Impact Fees</td>
<td>6XXXX37035</td>
<td>$1,168,561.45</td>
</tr>
<tr>
<td>Wells Fargo Streets Impact Fees</td>
<td>6XXXX37043</td>
<td>$645,011.92</td>
</tr>
<tr>
<td>Glacier Family of Banks-Intermountain Claims Acct (workers comp)</td>
<td>2XXXX006613</td>
<td>$63,847.84</td>
</tr>
<tr>
<td>Wells Fargo Workers Comp Custody Account</td>
<td>2XXXX200</td>
<td>$662,000.00</td>
</tr>
<tr>
<td>US Bank GO Refunding Bond Series 2012 Bond Fund</td>
<td>2XXXX5000</td>
<td>$-</td>
</tr>
<tr>
<td>US Bank LID No. 148 Series 2010</td>
<td>1XXXX6000</td>
<td>$-</td>
</tr>
</tbody>
</table>

**Idaho Center Accounts:**

- Wells Fargo - ICTickets Trust Account Horse Park
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>6XXXX17052</td>
<td>$1,969,193.45</td>
</tr>
</tbody>
</table>
- Wells Fargo - Idaho Center Operations
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>8XXXX57411</td>
<td>$120,862.67</td>
</tr>
</tbody>
</table>
- Wells Fargo - Id Ctr ATM Bank Account
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1XXXX02561</td>
<td>$51,121.11</td>
</tr>
</tbody>
</table>

**Civic Center Accounts:**

- Wells Fargo - Civic Center Operations
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>7XXXX46329</td>
<td>$219,846.72</td>
</tr>
</tbody>
</table>
- Wells Fargo - Civic Center Trust Account
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4XXXX41531</td>
<td>$94,388.07</td>
</tr>
</tbody>
</table>

**City Investment Accounts**

- LGIP 3517 - DEQ
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3517</td>
<td>$-</td>
</tr>
</tbody>
</table>
- LGIP 3223-LID 148
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3223</td>
<td>$38,578.78</td>
</tr>
</tbody>
</table>
- LGIP 2156-Pooled Cash
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2156</td>
<td>$15,461,822.65</td>
</tr>
</tbody>
</table>
- US Bank Custody Account
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1XXXX88133</td>
<td>$61,490,548.02</td>
</tr>
</tbody>
</table>
- City of Nampa Municipal LID’s
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$-</td>
<td>$385,098.51</td>
</tr>
</tbody>
</table>
- Edward Jones Medical Welfare Benefit Plan
<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>8XX-XX93-1-9</td>
<td>$2,207,294.95</td>
</tr>
</tbody>
</table>

**Grand Total Cash**

<table>
<thead>
<tr>
<th>Acct No</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$91,291,267.42</td>
</tr>
</tbody>
</table>
# Alcohol License List

<table>
<thead>
<tr>
<th>License Owner</th>
<th>Address</th>
<th>Council Approval</th>
<th>Alcohol Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ridgecrest Golf Club</td>
<td>3730 Ridgecrest Drive</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Pete’s Tavern</td>
<td>11 12th Ave. S</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Texas Roadhouse</td>
<td>1830 Caldwell Blvd.</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Tiny’s Lounge</td>
<td>10 12th Ave. S</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>TWC Inc. (Chevron)</td>
<td>3030 E Greenhurst Rd.</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Little Saigon</td>
<td>1305 2nd St. S</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Applebee’s</td>
<td>1527 Caldwell Blvd.</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Holliday Inn</td>
<td>16245 N Merchant Way</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>Campos Market</td>
<td>3302 Caldwell Blvd.</td>
<td>2-4-19</td>
<td></td>
</tr>
<tr>
<td>The Steel Horse Saloon</td>
<td>102 11&lt;sup&gt;th&lt;/sup&gt; Ave N</td>
<td>2-19-19</td>
<td>Beer, Wine, Liquor</td>
</tr>
<tr>
<td>Idaho Pizza Company</td>
<td>16151 Id Center Blvd.</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Idaho Pizza Company</td>
<td>104 W Iowa Ave</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Gem Stop #10</td>
<td>323 Caldwell Blvd</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Gem Stop #32</td>
<td>111 S Midland</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Gem Stop #15</td>
<td>1604 2&lt;sup&gt;nd&lt;/sup&gt; Ave S</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Gem Stop #11</td>
<td>4624 E Amity Ave</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Gem Stop #20</td>
<td>1520 S Middleton Rd</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Gem Stop #8</td>
<td>1400 Franklin Blvd</td>
<td>2-19-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Buffalo Wild Wings</td>
<td>2101 N Cassia St St 2111</td>
<td>2-19-19</td>
<td>Beer, Wine, Liquor</td>
</tr>
<tr>
<td>Sizzler Steakhouse</td>
<td>201 Caldwell Blvd</td>
<td>3-4-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Costco</td>
<td>16700 N Market Place</td>
<td>3-4-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>IOU Sushi</td>
<td>2107 N Cassia</td>
<td>3-4-19</td>
<td>Beer, Wine, Liquor</td>
</tr>
<tr>
<td>Shari’s Management Corp</td>
<td>1807 Caldwell Blvd</td>
<td>3-4-19</td>
<td>Beer, Wine</td>
</tr>
<tr>
<td>Nampa Aerie #2103 FOE, Eagles</td>
<td>118 11&lt;sup&gt;th&lt;/sup&gt; N</td>
<td>3-4-19</td>
<td>Beer, Wine, Liquor</td>
</tr>
<tr>
<td>Kickback Bar Inc.</td>
<td>3116 Garrity Blvd #145</td>
<td></td>
<td>Beer, Wine, Liquor</td>
</tr>
<tr>
<td>Italian to Go</td>
<td>122012&lt;sup&gt;th&lt;/sup&gt; Ave S</td>
<td></td>
<td>Beer, Wine</td>
</tr>
</tbody>
</table>
Proclamation
Office of the Mayor

Whereas, the Preamble to the Constitution of the United States was designed for the people to ‘secure the blessing of liberty to ourselves and our posterity’; and the Idaho Constitution declares an inalienable right to enjoy and defend life and liberty; and

Whereas, it is a guiding principle of Idahoans that every human life is cherished and respected and it is affirmed that each life has meaning, it is vital to the future of this community that these values are demonstrated in our actions and our words; and

Whereas, the strength of the City of Nampa is the demonstration of care for one another, to show kindness and consideration for our neighbors and all citizens equally; and

Whereas, part of this strength and character of the Citizens of Nampa is to defend society’s weakest and most vulnerable including the ill, the elderly, and the unborn;

Now Therefore, This Council of the City of Nampa, Idaho, do hereby declare the month of April, 2019, as

“Sanctity of Human Life Month”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 18th day of March in the year of our Lord two thousand nineteen.

Debbie Kling
Mayor, City of Nampa
Proclamation
Office of the Mayor

Whereas, more than $675 billion per year in federal funding is allocated to states and communities based on census data; and

Whereas, an up-to-date and accurate census count is vital in ensuring our state and cities receive annual funds that help improve transportation, schools, hospitals, public works and other vital programs; and

Whereas, census data helps shape where to locate schools, offices and stores; and

Whereas, census data helps local governments provide greater public safety and emergency preparedness; and

Whereas, census data ensures fair Congressional representation in the U.S. House of Representatives and in redistricting state legislatures, county and city councils, and school and voting districts; and

Whereas, the census is meant to represent everyone;

Now Therefore, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim April 1, 2019, to be

“Census 2020 Awareness Day”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the city of Nampa to be affixed this 18th day of March in the year of our Lord two thousand nineteen.

Debbie Kling
Mayor, City of Nampa
To: Mayor Debbie Kling  
Nampa City Council  
Deborah Spille, Nampa Treasurer  
Nampa City Hall  
411 3rd St. South  
Nampa, ID 83651

From: Rachele Klein, Republic Services Business Development Manager

Re: April 1, 2019 Nampa City Residential Trash and Recycling Service Day Changes

Dear Mayor Kling, Nampa City Council and Treasurer Spille,

Over the past several years the City of Nampa has grown significantly. As a result, trash and recycling routes have grown asymmetrically and we are now in a position where we need to balance existing routes and add new routes to accommodate the growth.

Please accept this letter as our request to reroute 21,774 residential trash and recycling accounts in Nampa, effective April 1, 2019. This reroute will affect most of the households in Nampa, so outreach will be robust. An ad in the Sunday Press Tribune will run for three Sundays before the reroute. We will send a copy of the ad as soon as it is complete. Two weeks before the reroute, each customer will receive a “Notice of Service Day Change” postcard. One week before the reroute, all rerouted customers will receive a door hangar notice stating, “Your Trash and Recycling Day will be Changing Next Week”. This door hangar will include the new recycling service week decal (if the orange or blue recycling week is changing) and a residential trash and recycling services brochure. The weekend before the day changes go live we will employ the use of an auto-dialing phone program call “Call ‘em All” which will send a text message or call customers with phone numbers on file to remind them of their pending service day change. Customers can also visit our website (local.republicservices.com/site/Idaho) starting the last week of March to type in their address to find their new trash day and recycling week information.

To ensure a high level of service during this transition, our operations team will sweep the old routes the week of April 1, 2019 to tag any carts set out for service with a new service day reminder. All trash and recycling out for collection on the old service day will be collected during the transition week. Attached is a copy of the Nampa Day Change File which includes all effected households.

We appreciate your support during this operational upgrade. Rerouting Nampa residential customers to balance and add routes will increase route efficiency. More efficient routes means trucks will operate at or below the legal weight limit and drivers will work under the maximum allowable number of DOT hours as mandated by federal guidelines.

Please let me know if you have any concerns about this proposed day change or need additional information.

Sincerely,

Rachele Klein  
Business Development Manager, Republic Services of Idaho  
208-283-0624  
rklein@republicservices.com
Don't miss your new trash day!

Starting April 1, 2019 many customers in Nampa, Caldwell and Middleton will have new trash days. To find out if your trash day is changing:

VISIT:  local.republicservices.com/site/Idaho

CALL:  208 345-1265

LOOK:  For notifications by mail and on your trash can.

REPUBLIC SERVICES

We'll handle it from here.
IMPORTANT NEWS!

Your Trash and Recycling Day is Changing.

REPUBLIC SERVICES

We’ll handle it from here.”
Your Trash and Recycling Collection Day is Changing.

Beginning ______________ your trash and recycling day will be changing to:

MON  TUES  WED  THURS  FRI

QUESTIONS?
Call Republic Services: 208 345-1265
OR VISIT: Local.republicservices.com/site/Idaho.com,
Click on "Service Day Information"
IMPORTANT NEWS!

Your Recycling Week is Changing.

We'll handle it from here.™
Your Recycling Week is Changing.

Beginning __________ your trash recycling week will be changing to:

BLUE       ORANGE

QUESTIONS?
Call Republic Services: 208 345-1265
OR VISIT: Local.republicservices.com/site/Idaho,
Click on “Service Day Information”
IMPORTANT NEWS!

Your Trash and Recycling Collection Day is Changing.

Beginning ______________ your trash and recycling day with be changing to:

MON TUES WED THURS FRI

QUESTIONS?
Call Republic Services: 208-345-1265
OR VISIT Local.republicservices.com/site/Idaho
*Click on “Service Day Information”

REPUBLIC SERVICES
We’ll handle it from here
IMPORTANT NEWS!

Your Recycling Week is Changing.

Beginning _________________ your recycling week will be changing to:

BLUE

ORANGE

QUESTIONS?
Call Republic Services: 208-345-1265
OR VISIT Local.republicservices.com/site/Idaho
*Click on "Service Day Information"

REPUBLIC SERVICES
We’ll handle it from here
At the time of Publication This Item Had no Supporting Documentation
Fiscal Year 2019 Snow and Ice Control Summary Report

Jeff Barnes, P.E., Deputy Public Works Director (Transportation), and Don Barr, Street Superintendent, will present the attached Fiscal Year 2019 Snow and Ice Control Summary Report the day of this staff report (see Exhibit A).
FY19 Snow and Ice Control Summary Report
Don Barr, Streets Superintendent
Team Effort

- Mayors Office
- Streets
- PW Admin
- Parks
- Fleet
- Police
- Fire
- Engineering
- GIS
- Water
- Wastewater
- Environmental Compliance
Website – Info, Updates, Snow Plow Activity Map
4 Of These

Staff & Equipment
1 Of These
1 of These
Customer Service

• Facebook
• Website- [http://www.cityofnampa.us/snow](http://www.cityofnampa.us/snow)
• Email—[snow@cityofnampa.us](mailto:snow@cityofnampa.us)
• Dedicated Snow Phone Line—208 -468-5577
• Non-Emergency Follow Up Within 24 Hours
FY18-19 Summary

- Total Staff Hours: 1,500 Hours
- Salt: 603 Cubic Yards
- Sand: 50 Cubic Yards
- Salt Brine: 70,000 Gallons
- Mag Chloride: 18,000 Gallons
Salt Brine Innovation

Streets Staff Researched Options
Constructed Brine Building
Purchased Unit for $37,000
1/10 Cost of Mag Chloride
Mix Product On-Site, No Procurement
Greater Application Rates
Higher Level of Service
Cost Savings – Replacing Mag Chloride with Brine

• 70,000 Gallons of Brine (7.1 cents / Gal)  $  5,000
• 70,000 Gal Mag Chloride ($1.1 / Gal) - $ 77,000
• Total Estimated Savings = - $ 72,000 Annual Savings
At the time of Publication This Item Had no Supporting Documentation
March 14, 2019

Nampa City Council Members:

I would like to take this opportunity to recommend Nampa’s Deputy Chief of Operations, Kirk Carpenter as the new Fire Chief for the Nampa Fire Department.

This recommendation is based on his many years of faithful service to the citizens of the City of Nampa. Deputy Chief Carpenter has a wealth of knowledge, experience, and excellent leadership skills that will benefit both the Fire Department and the City of Nampa.

Thank you for your consideration of this recommendation. Please contact me with any questions.

Sincerely,

Debbie Kling
Mayor, City of Nampa
Kirk Carpenter

Objective:
It is my intention to be an effective leader for the City of Nampa as Fire Chief for the Nampa Fire Department. I will make a continual positive difference in: daily operations, morale of the members, and department reputation. I intend to set solid expectations that promote: professionalism, accountability, safety, and integrity throughout our organization.

Strategic Tools: Open Communication and effective training

Work History:
1998 – Present City of Nampa Fire Department – Career Firefighter/EMT-B
Current Position and works: Deputy Chief of Operations
- Developed and implemented annual Crew Performance standards to be conducted by crews directed by BC’s to ensure crew proficiency
- Developed and conducted multiple NFD/Joint Fire Recruit Academies, and Probationary Firefighter training/evaluation binder.
- Instrumental in the operational change to the Blue Card Command System, implemented and trained department in 16 months time.
- Instrumentally involved in the application and receiving of a 2017 Regional Federal Assistance to Firefighters Grant in the amount of 1.4 million dollars for the purchase of new SCBA’s for 9 Fire Departments throughout the county.
- Instrumental in the development and implementation of the Squad 51 response vehicle, creating deployment efficiencies and funded through 100% impact fees.
- Developed the concept of the NFD Morning Safety Briefing and empowered a young member to take ownership and create an effective training and safety tool for the department.

Positions Held: Firefighter – Driver Operator – Captain – Division Chief of Training

1994 – 1998 The United States Air Force – Full time Structural / ARFF Firefighter
Positions Held: Firefighter – Driver Operator – Crew Chief - Dispatcher

Education:
2019 College of Western Idaho – AAS in Fire Sience
2011- 2014 National Fire Academy Courses:
- Fire Service Course Design and Program Management
- Fire Service Leadership I and II
- 21st Century Training Officer

1994 United States Air Force Fire Academy

Areas of Instruction:
- State of Idaho EMS Instructor - AHA Basic Life Support Instructor
- FST Firefighter I & II - Fire Apparatus Driver/Operator
- Hazardous Materials Operations - Flashover Safety and Survival
- Brannigan’s Building Construction - Live Fire Evaluator Training
- Interior Structural Live Fire Attack - NFPA 1403 Live Fire Fixed/Acquired
- FST Fire Instructor I - G265 Instructor Methodology
- Blue Card Command Instructor - Adjunct Instructor for Treasure Valley CC
Kirk Carpenter

**Qualifications:**

- Firefighter I and II from the State of Idaho Emergency Services Training
- IFSAC certified Haz-Mat Operations from the State of Idaho Emergency Services Training
- Certified Driver/Operator from the State of Idaho Emergency Services Training
- Fire Officer I and Fire Officer II Certified
- IFSAC Fire Instructor 1 Certified
- 1403 NFPA Live Fire Certified
- Emergency Medical Technician from the State of Idaho Emergency Services Training
- Certified Blue Card Incident Commander
- Certified ACE Firefighter Peer Fitness Trainer
- Rope Rescue/Confined space training
- Truck Company Operations from Boise State University College of Applied Science
- Certified Airport Rescue Firefighter and Driver Operator
- Building Construction from Idaho Emergency Services Training, (Combustible, Non-Combustible, and Brannigan’s Building Construction for the Fire Service)
- Completion of ICS series ICS-100 through ICS-400
- Command and Control Decision Making at Multiple Alarm Incidents from the National Fire Academy
- Managing Company Tactical Operations from the National Fire Academy
- Command and Control of Incident Operations from the National Fire Academy
- Firefighter Safety and Survival from the National Fire Academy
- Leadership I, II from the National Fire Academy
- 8 years of experience in building construction as a General Contractor
- Member in good standing of the International Association of Firefighters Local 804
- Current elected Executive Board member for Nampa Firefighter’s Local 804
- Randy Carpenter Memorial Foundation Board Member/Director
- Treasure Valley Training Officer’s Association Secretary/Treasurer
- Treasure Valley FOOLS Vice President
- Graduate of FOCUS Leadership/Communication seminars
- Working knowledge of Microsoft Office (Word, Excel, Outlook, PowerPoint)
Authorize Class A, Recycled Water Reuse Permit Application to the Idaho Department of Environmental Quality for the City of Nampa

- City staff and the Wastewater Program Management Team (WPMT) have been actively working on next steps for the recycled water program. This process requires the City to obtain a Recycled Water Reuse Permit issued by the Idaho Department of Environmental Quality (IDEQ). This permit will govern the quality of the water discharged to the Phyllis Canal and activities necessary to comply with Idaho’s recycled water rules.

- Staff and Pioneer Irrigation District (PID) met with the IDEQ on December 18, 2018, to review the draft permit application. This meeting allowed City staff to better understand the IDEQ’s requirements for application content and to discuss the benefits of the recycled water program. The application is now complete and ready for submittal to IDEQ (see Exhibit A).

- City leadership has previously directed City staff to develop a recycled water program that maximizes the value of Nampa’s treated water and to search for opportunities to maximize the amount of water reused through industrial and irrigation reuse. City staff has received broad support from City leadership, including Mayor Kling and City Council, for the recycled water program due to its ability to achieve these directives.

- City staff, the WPMT, and the PID have identified several benefits that are anticipated to result from the recycled water program implementation (see Exhibit B, which will be presented by Nate Runyan, P.E., Deputy Public Works Director, the day of this report). These key benefits include:
  - By eliminating the Nampa WWTP discharge to Indian Creek during the summer months, the City’s phosphorus load to Indian Creek and the Lower Boise River is reduced. This benefits the broader watershed goals established by the Lower Boise River Total Phosphorus Total Maximum Daily Load.
  - The City’s recycled water program also eliminates the Nampa Wastewater Treatment Plant’s (WWTP) thermal load from Indian Creek, which IDEQ has identified as impaired for temperature during the summer months.
  - Between the thermal loading and phosphorus reductions, there is approximately $17 million in savings from the original facility plan.
  - Recycled water can augment irrigation water supplies. PID provides 34,000 acres in western Ada and Canyon Counties with irrigation water, 17,000 of which will be positively impacted by the additional water made available through reuse.
  - Consistent recycled water production from the WWTP will increase the resiliency of the irrigation water supply and provide more flexibility in managing surface water diversions and maintaining groundwater water levels in the aquifer.
  - Water supply resiliency also provides stability for current irrigation water users and new development as the City and irrigation system managers navigate the impacts of shifting land usage and increasing variability in the climate of the Treasure Valley.
Immediately downstream from the proposed recycled water discharge location, the Phyllis Canal delivers irrigation water to about 2,500 acres of land within the City of Nampa alone. The City’s recycled water program makes use of a vital resource that directly benefits Nampa residents. The phosphorus and nitrogen in the Class A recycled water would be beneficial to those irrigating crops or watering their lawns by providing some of the same nutrients that are included in commercial fertilizers and compost.

- Milestones involved with obtaining a reuse permit:
  - March 2019 - Submit Nampa Recycled Water Reuse Permit Application to IDEQ
  - April 2019 thru July 2019 - Public education by the City
  - July 2019 - IDEQ final decision to draft a permit
  - August 2019 - Public comment period
  - September 2019 - Issuance of permit

- Staff and the WPMT recommend submittal of the Nampa Recycled Water Reuse Permit Application, seeking discharge of Class A Recycled Water to the Phyllis Canal during the irrigation season

REQUEST: Authorize Public Work Director to sign and submit the Recycled Water Reuse Permit Application to the Idaho Department of Environmental Quality for the City.
March 19, 2019

Ms. Valerie Greer  
Idaho Department of Environmental Quality  
Boise Regional Office  
1445 North Orchard Street  
Boise, ID  83705

Subject:  City of Nampa Recycled Water Reuse Application

Dear Ms. Greer:

The City of Nampa (City) has identified a recycled water reuse program as the preferred alternative for wastewater treatment plant upgrades. The City arrived at this decision through the recently completed wastewater facility planning process. Facility planning efforts included public engagement through development of the Nampa Wastewater Advisory Group (NWAG) and the Industrial Working Group (IWG). The NWAG and IWG worked to identify priorities for the City’s water re-sources and capital investment in the next generation of wastewater treatment for Nampa. These groups overwhelmingly supported pursuing a recycled water program due to the positive community outcomes and environmental benefits.

The City has prepared the materials in the attached application, preliminary technical report, and plan of operations to provide the Idaho Department of Environmental Quality (IDEQ) with information necessary to develop a permit for this reuse project.

Benefits of Reuse

The proposed recycled water reuse project for the Nampa Wastewater Treatment Plant (WWTP) enjoys broad support from the Nampa community, Mayor Kling, and Nampa City Council. City leadership has specifically shown support for water reuse through the following directives passed down to the City’s wastewater program:

• Develop a recycled water program for Nampa to maximize the value of Nampa’s treated water
• Look for opportunities to maximize the amount of water reused through a combination of industrial and irrigation reuse

The City has also recently committed financially to the next phase for WWTP improvements through the Nampa Sewer Bond Election on May 15, 2018. The sewer bond passed with an 87 percent yes vote. The focal point of the sewer bond funding stressed pursuing opportunities for industrial and irrigation reuse to make the most of the City’s available water resources. Recycled water reuse for irrigation source augmentation is the first step in a potential broader water reuse approach.
This project also benefits the Pioneer Irrigation District (PID), Nampa’s partner in the irrigation reuse strategy. PID delivers irrigation water to approximately 34,000 acres in western Ada and Canyon Counties, including the City’s pressurized irrigation system. In recent years, PID has seen the impacts of changing flow regimes in its supplies as more rural lands are developed for housing and as the climate swings drastically from drought conditions forcing early shutoffs to spring flooding due to excess storage volume in the reservoirs. The consistent discharge from the WWTP provides stability to PID irrigation users and resiliency to the irrigation water supply. Below the proposed recycled water discharge point, the Phyllis Canal distributes irrigation water to approximately 17,000 acres north to the Riverside Canal in Caldwell and west to Greenleaf. The City and PID have entered into an agreement for reception and use of Class A recycled water from the City to the Phyllis Canal at flows up to 41 cubic feet per second.

Water quality benefits to Indian Creek are also realized through eliminating the Nampa WWTP discharge during the summer months. Routing recycled water to Phyllis Canal decreases total phosphorus loading to Indian Creek and the Lower Boise River each year from May 1 through September 30. The recycled water discharge to Phyllis Canal also eliminates thermal loading from the Nampa WWTP during months when Indian Creek is impaired for temperature.

Proposed Permit Requirements
The City proposes to meet the following recycled water effluent limits at the discharge to Phyllis Canal for use as agricultural and municipal irrigation supply augmentation.

Standard requirements for Class A recycled water including oxidized, clarified, and disinfected recycled water are proposed for operations under a reuse permit. Class A recycled water protects the beneficial uses of water in the Phyllis Canal. Water not meeting Class A standards will be discharged to Indian Creek under the Nampa Wastewater NPDES Permit. Class A requirements are also in-line with the approach of other, similar recycled water systems.

Temperature limits are not required in the recycled water reuse permit; and since the intended use of Phyllis Canal is agricultural and municipal irrigation, the intended uses are not affected by water temperature. Having no temperature limit on the recycled water allows the City to avoid integrating chillers into the treatment system at the Nampa WWTP and mitigates the adverse effects of this energy intensive process. Avoiding unnecessary temperature control is critical for the feasibility of a recycled water program for the City.

The City proposes a total nitrogen limit of 30 mg/l for the recycled water discharge to Phyllis Canal. This limit is consistent with requirements for non-groundwater recharge Class A recycled water. Background concentrations of nitrogen in the Phyllis Canal are comparatively low at less than 2 mg/l. Mixing the recycled water discharge with the Phyllis Canal irrigation water results in a canal concentration around 5 mg/l.

The City proposes a total phosphorus limit of 0.35 mg/l for discharge to the Phyllis Canal. Canal background water quality has consistently been measured at or below this limit, so average water quality in the canal is not expected to exceed this concentration. Changing the receiving water for the
City’s phosphorus load during the summer months from Indian Creek to the Phyllis Canal removes phosphorus from the Indian Creek and Lower Boise River system and provides an opportunity for the phosphorus to be beneficially used as the irrigation water is applied to crops and lawns throughout the PID service area. This proposed limit allows for a more economical filtration approach with consistent operation throughout the year and removes more total phosphorus than the total maximum daily load requires.

Considering the use for the Class A recycled water as agricultural and municipal irrigation supply augmentation, the City believes the end of the distribution pipe to Phyllis Canal is the most appropriate compliance point. This compliance point establishes a clear distinction between recycled water and irrigation water and limits signage requirements for the system. Once the water enters the canal it is considered irrigation water and is used as such downstream from the discharge.

The City is currently planning for a compliance deadline of 2026 for total phosphorus reduction in wastewater effluent and a 2031 deadline for temperature. Because of the design and construction of improvements necessary at the Nampa WWTP, the recycled water program will not start up until 2026 at the earliest. However, the City needs the certainty of a recycled water reuse permit in hand before beginning the design process. Therefore, the City requests a 10-year permit term coinciding with the City’s National Pollutant Discharge Elimination System permit timing. The first renewal would be in 2031.

The City also hopes to maintain close communication and collaboration with the IDEQ throughout the application review and permit development process. Should you have any questions during review, or wish to schedule a meeting, please do not hesitate to contact me or Nate Runyan, Deputy Public Works Director (Water), at 208-468-4493.

Sincerely,

Tom Points, P.E.
Public Works Director

ec: Nate Runyan, P.E., City of Nampa
    Matt Gregg, P.E., Brown and Caldwell

Enclosure
Recycled Water Reuse Permit Application

Contents
1. Application for Recycled Water Reuse Permit ................................................... 1
   Form A: Responsible Official/Duly Authorized Representative Designation Form ... 2
2. Facility Information ............................................................................................ 3
4. Preliminary Technical Reports
5. Plan of Operations

Figures:
Figure 1. Topographic map: WWTP and Phyllis Canal
Figure 2. Proposed recycled water discharge sites and pipeline routes
Figure 3. Topographic map: area of analysis
Figure 4. Overview map
Figure 5. Irrigation Districts
Figure 6. Nampa WWTP liquid stream process flow diagram
Figure 7. Nampa WWTP solid stream process flow diagram
Figure 8. Conceptual map of flow through Pioneer Irrigation District
Figure 9. Conceptual map of major Pioneer Irrigation District conveyances
Figure 10. Local geology and groundwater wells
Figure 11. EDMS Wells
Figure 12: Crop coverage and land use map: Area of analysis
Figure 13: WWTP treatment process hydraulic profile

Appendices:
Appendix A: City of Nampa WWTP NPDES Permit No. ID-0022063
Appendix B: Pioneer Irrigation District Recycled Water Discharge and Use Agreement
Appendix C: Indian Creek Background Data
Appendix D: Phyllis Canal Background Data
February 25, 2019

Idaho Department of Environmental Quality

Regional Office Contact

Name, title: Valerie Greer, Lead Reuse Engineer
Regional office: Boise Regional Office
Address: 1445 N. Orchard St., Boise, ID, 83705
Phone/e-mail: 208-373-0459/Valerie.Greer@deq.idaho.gov
1. Application for Recycled Water Reuse Permit

**Instructions**: Complete the following form and attachments as completely as possible. Failure to provide sufficient information will delay processing of the application and final action on the permit. A pre-application meeting between the applicant and Idaho Department of Environmental Quality (DEQ) is strongly encouraged to discuss site-specific issues and level of detail needed. If clarification is needed, contact DEQ’s Boise Regional Office at (208) 373-0550.

<table>
<thead>
<tr>
<th>Type of application (attach appropriate checklists)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New ☒ Renewal ☐: Permit No.:</td>
</tr>
<tr>
<td>Major modification ☐ Minor modification ☐ Waiver ☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal name of applicant:</th>
<th>City of Nampa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Official and title (see Form A for definition of Responsible Official and Authorized Representative)</td>
<td>Tom Points, Public Works Director</td>
</tr>
<tr>
<td>Authorized Representative and title (attach Form A for designating Authorized Representative)</td>
<td>Andy Zimmerman, Wastewater Superintendent</td>
</tr>
<tr>
<td>Mailing address:</td>
<td>411 3rd St S, Nampa, ID 83651</td>
</tr>
<tr>
<td>Facility address, if different:</td>
<td>340 W Railroad St., Nampa, ID, 83867</td>
</tr>
<tr>
<td>Phone/fax:</td>
<td>(208) 465-2200</td>
</tr>
<tr>
<td>E-mail address:</td>
<td><a href="mailto:pointst@cityofnampa.us">pointst@cityofnampa.us</a></td>
</tr>
<tr>
<td>Company Internet address:</td>
<td><a href="http://www.cityofnampa.us">www.cityofnampa.us</a></td>
</tr>
</tbody>
</table>

**Attachments (check all that apply):**

☒ Form A
☒ Section 2. Facility Information
☒ Section 3. Plan of Operation Checklist/Preliminary Technical Report Checklist
☒ Preliminary Technical Report
☒ Plan of Operation
☒ Other: Cover Letter

“I certify that the information provided in this submittal is, to the best of my knowledge, true, accurate and complete and I acknowledge that knowing submission of false or incomplete information may result in permit revocation as provided for in IDAPA 58.01.17.920.01, non-issuance of the permit, or other enforcement action as provided for under Idaho law.”

Signature of Responsible Official:

Title:

Date:
Form A: Responsible Official/Duly Authorized Representative Designation Form

Use the following form to specify facility contacts.

| Permittee name: Nampa Wastewater Treatment Plant |
| Permit number: N/A |

I hereby certify that I am qualified to be the responsible official for the above-named permittee.

Specifically, I,

- [ ] am an officer of the corporation.
- [ ] perform policy or decision-making functions similar to that of an officer of the corporation.
- [ ] am a general partner in a partnership.
- [ ] am the owner of a sole proprietorship.
- [x] am a principal executive officer, ranking elected official, or a person of decision-making authority of a municipality, state, federal, or other public agency who can legally bind the permittee with respect to the permit.

My title is: [ ]
Explain: [ ]

My office/title is: City of Nampa Public Works Director
My agency is: City of Nampa, ID

I hereby designate the following person or position title as a duly authorized representative:

Andy Zimmerman, City of Nampa Wastewater Superintendent

I certify that the individual filling this position is responsible for the overall operation of the regulated facility or an individual having overall responsibility for environmental matters.

Signature of responsible official: [ ]
Signature of duly authorized representative designee: [ ]
Date: [ ]

The Responsible Official is the facility contact person authorized by the permittee to communicate with DEQ on behalf of the permittee on any matter related to the permit, including without limitation, the authority to communicate with and receive notices from DEQ regarding notices of violation or noncompliance, permit violations, permit enforcement, and permit revocation.

The Responsible Official is responsible for providing written certification of permit application materials, annual report submittals, and other information submitted to DEQ as required by the permit. Any notice to or communication with the responsible official is considered a notice to or communication with the permittee.

The Responsible Official may designate an Authorized Representative to act as the facility contact person for any of the activities or duties related to the permit, except signing and certifying the permit application, which must be done by the Responsible Official.

The designated Authorized Representative shall act as the Responsible Official and shall bind the permittee as described above. The designation of an Authorized Representative must a) be made in writing by the Responsible Official and attached to the permit application using Form A and b) specify an individual having responsibility for the overall operation of the regulated facility, such as the plant manager, superintendent, or an individual having overall responsibility for environmental matters.
### 2. Facility Information

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of facility from which wastewater is generated</strong></td>
<td>Municipal, Class A facility</td>
</tr>
</tbody>
</table>
| **Types of wastewater produced**                                          | - Domestic wastewater from the City of Nampa  
- Pretreated industrial wastewater from food processing and manufacturing industries |
| **Method(s) of wastewater treatment**                                      | Headworks, primary clarification, activated sludge secondary treatment, secondary clarification, tertiary filtration (in design phase), and disinfection |
| **For municipal wastewater systems, provide and collection and treatment system classifications. Refer to IDAPA 58.01.16.202.01.a located at:** | Collection: Class level IV  
Treatment: Class level IV  
Note: Include applicable classification form or submit updated form if current form is no longer applicable. Forms are available at: Classification Forms |
| **For municipal wastewater treatment, designate “class” of recycled water generated and method(s) of reuse** | ☒ Class A  ☐ Class B  ☐ Class C  ☐ Class D  ☐ Class E  
Class A recycled water provided for municipal and agricultural irrigation supply augmentation |
| **For industrial wastewater treatment, describe the different types of recycled water streams generated and method(s) of reuse** | N/A |
| **Facility ownership**                                                     | ☒ Public (specify type): POTW  
☐ Private |
| **Site elevation (feet above sea level)**                                 | 2,420 ft amsl to 2,465 ft amsl |
| **USGS Quadrangle**                                                       | Area of analysis is mostly located within the Nampa and Caldwell quadrangles. Also includes portions of the Lake Lowell and Notus quadrangles. |
| **Legal location (township, range, section)**                             | Nampa WWTP: Nampa Quadrangle: Section 16, T3N R2W  
Proposed discharge locations to Phyllis Canal:  
1A: Section 22, T3N, R2W  
1B: Section 22, T3N, R2W  
2A: Section 21, T3N, R2W  
2B: Section 21, T3N, R2W  
3: Section 21, T3N, R2W |
| **County**                                                                 | Canyon |
| **Representative soil profile for method of reuse**                        | Soils in the area of analysis consist primarily of silt loams including Power, Greenleaf-Owyhee, Purdam, Bram series, and Baldock loam. An overview of these soils is included in Section 6.3 of the Preliminary Technical Report. |
| **Seasonal high ground water, if available**                              | Depth to seasonal high ground water: 5 to 35 ft below ground surface (bgs) |
| Season encountered: Summer  
An overview of groundwater is included in Section 6.6 of the Preliminary Technical Report |
|---|
| Depth, thickness, and flow direction of aquifer(s) located at or near the reuse facility  
Shallow aquifer may extend to 250 ft bgs across the area of analysis.  
Deep aquifer may be confined or unconfined below 250 ft bgs.  
Both aquifers flow to the west or northwest.  
More information on the aquifer system is included in Section 6.6 of the Preliminary Technical Report. |
| Beneficial uses of ground water (Check all that apply)  
☒ Agriculture  ☒ Industrial  ☒ Domestic  ☐ Aquaculture  ☐ Other (identify): |
| Nearby surface water(s) and distance(s) to nearest reuse area  
Indian Creek  
Distance to nearest reuse area: Area of analysis includes two drains that return to Indian Creek. See discussion of surface water in Section 6.5 of the Preliminary Technical Report and the conceptual diagram of surface waters and irrigation conveyances in Figure 8. |
| Beneficial uses of surface water (Check all that apply)  
☐ Agriculture  ☐ Industrial  ☐ Domestic  ☐ Aquaculture  ☐ Aquatic life  ☐ Salmonid spawning  ☐ Primary Recreation  ☐ Secondary Recreation  ☒ Other (identify): Agricultural and Municipal Irrigation Supply |
| Note: Beneficial uses of surface water are listed in the Water Quality Rules, 58.01.16, sections 110 through 160. |
| Operator Certification Requirements (for municipal systems only)  
Operators at the Nampa WWTP are licensed in accordance with IDAPA 24.05.01. Andy Zimmerman, Shannon Johnson, and Will Ekberg are all certified level IV operators. |
| Engineer/consultant that prepared application documents:  
Brown and Caldwell  
Andy Weigel, P.G.  
950 W Bannock  
Suite 350  
Boise, ID 83702  
Phone: 208-389-7730  
Fax: 208-389-7750  
Email: aweigel@brwncald.com |

For facilities with an existing reuse permit, use these checklists as a guide to update your plan of operation and prepare a preliminary technical report for submittal with the permit application. A pre-application workshop will be held one year prior to permit expiration to discuss permit application requirements and answer questions regarding application content.

For facilities applying for a new reuse permit, provide an outline of the plan of operation with the permit application. If reuse facilities are in the design and construction phase, submit a detailed plan of operation at the 50% completion point of construction. After 1 year of operating the reuse facility, the plan must be updated to reflect actual operating procedures. A pre-application workshop between the applicant and DEQ is strongly encouraged.

Consult the DEQ Guidance or other information source listed in the right-hand column of the checklists for assistance in developing the plan of operation or preliminary technical report. If additional clarification is needed, contact your DEQ regional office.

The preliminary technical report is the core of the application. This report shall describe how the facility will comply with the “Recycled Water Rules” (IDAPA 58.01.17) and conform to DEQ guidance (Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater). The application should include those checklist items as applicable and necessary to characterize the wastewater treatment and reuse systems.

### Plan of Operation and Preliminary Technical Report Checklists

<table>
<thead>
<tr>
<th>Plan Section and Requirements</th>
<th>Plan of Operation</th>
<th>Prelim. Technical Report</th>
<th>DEQ Guidance Section No. or other source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Attach organizational chart showing positions responsible for operation and maintenance of wastewater treatment and reuse systems. For municipal systems, include operator training and certification requirements, certification credentials for operators, and any other operator certification information.</td>
<td>X</td>
<td>X</td>
<td>Classification and Licensure</td>
</tr>
<tr>
<td>b. Describe operator and manager responsibilities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Describe process for updating the plan of operation as operational and/or facility changes occur.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d. If a party other than the applicant operates and maintains any portion of the wastewater treatment or recycled water reuse system, provide a copy of the signed contract or agreement. The contract or agreement must contain language outlining how the system will be operated to meet the conditions and requirements of the reuse permit.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Plan Section and Requirements</td>
<td>Plan of Operation</td>
<td>Prelim. Technical Report</td>
<td>DEQ Guidance Section No. or other source of information</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------</td>
<td>-------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td><strong>Section 2. Permits and Other Regulatory Requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Attach copies of the reuse permit, National Pollutant Discharge Elimination System (NPDES) permit, planning and zoning conditional use permits, and all other applicable permits, licenses, and approvals.</td>
<td>X</td>
<td>X</td>
<td>NPDES Permits in Idaho</td>
</tr>
<tr>
<td>b. List applicable ordinances, rules, statutes, and standards.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Section 3. Land Application Site** |                  |                         |                                                   |
| a. A topographic map identifying and showing the location and extent of wastewater inlets, outlets, and storage structures and facilities, land application area, wells, springs, wetlands, surface waters, FEMA floodplains, service roads, natural or man-made features necessary for treatment, buildings and structures, and process chemical and residue storage facilities. See 58.01.17.300.03.e | X                              | X                                      | Recycled Water Rules                             |
| b. A topographic map extending ¼ mile beyond the outer limits of the facility site identifying and showing the location and extent of wells, springs, wetlands, surface waters, public and private drinking water supply sources, applicable source water assessment areas, public roads, dwellings, and public gathering places. See 58.01.17.300.03.f | X                              | X                                      | Recycled Water Rules                             |
| c. Description of and a regional map showing important land features (cities, major roads, major surface water bodies, county/state lines) in relation to the reuse facility. | X                              |                         |                                                   |
| d. A scaled map showing hydraulic management units (HMUs) and associated acres, ground water monitoring wells, and wastewater and recycled water lagoons. | X                              | X                                      |                                                   |
| e. A scaled map showing the recycled water and supplemental water (if used) irrigation system, including piping, appurtenances, and the type & efficiency of irrigation system used for each HMU. | X                              | X                                      |                                                   |
| f. Description of land uses adjacent to reuse facility. | X                              |                         |                                                   |
| g. Identify ownership of the reuse sites, including documentation. If not owned by the applicant, include copies of leases and agreements for the reuse sites. For leased or rental reuse sites, provide a signed agreement between applicant and landowner that clearly states the applicant will have sufficient control of the site to meet reuse permit requirements. | X                              |                         |                                                   |

<p>| <strong>Section 4. General Plant Description</strong> |                  |                         |                                                   |
| a. Describe wastewater treatment design basis and/or criteria. | X                              | X                                      |                                                   |
| b. Describe wastewater treatment processes and/or unit operations used to generate recycled water for reuse, including design capacities. For municipal systems, include disinfection processes and disinfection level. (See 58.01.17.601 for municipal recycled water classifications) | X                              | X                                      | Municipal Disinfection Class                     |</p>
<table>
<thead>
<tr>
<th>Plan Section and Requirements</th>
<th>Plan of Operation</th>
<th>Prelim. Technical Report</th>
<th>DEQ Guidance Section No. or other source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Provide plot plans and process and instrumentation diagrams. (P&amp;IDs)</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d. Provide hydraulic profile, including key inverts and elevations.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Characterize wastewater and recycled water streams, including daily, monthly, &amp; annual flow rates, seasonal variability, chemistry and microbiology. Provide source of data for this characterization.</td>
<td>X</td>
<td>X</td>
<td>Guidance 3.1, 3.2, 3.3, 3.4</td>
</tr>
<tr>
<td>f. Describe wastewater treatment and reuse system efficiencies.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 5. Description, Operation, and Control of Unit Operations and Processes**

| a. Describe unit operation/process purpose and control strategy. | X                |                          |                                              |
| b. Describe normal operations. (e.g., flow patterns, typical process and reuse system flow rates, and sludge production rates) | X                |                          |                                              |
| c. Describe process monitoring and control systems. | X                |                          |                                              |
| d. Provide operating instructions for equipment with reference to manufacturer’s operation and maintenance (O&M) manuals, standard operating procedures (SOPs), or other applicable documents. | X                |                          |                                              |
| e. Discuss common operating problems and solutions. (troubleshooting guide) | X                |                          |                                              |
| f. List laboratory tests for process control. | X                |                          |                                              |
| g. List laboratory tests for compliance determination. | X                |                          |                                              |
| h. Describe start-up procedures. | X                |                          |                                              |
| i. Provide emergency operating plans and procedures. | X                |                          |                                              |

**Section 6. Wastewater and Recycled Water Treatment and Storage Lagoons**

| a. Describe all treatment and storage ponds and lagoons, including date constructed, purpose, capacity, liner material, last seepage rate test date and result, scheduled seepage rate tests, and operating parameters (e.g., minimum freeboard and minimum depth). | X                | X                        | Guidance 6.3                                  |
| b. Describe lagoon maintenance. | X                |                          | Guidance 6.3.4               |
| c. Sludge accumulation monitoring | X                |                          |                                              |

**Section 7. Reuse Site Features and Characteristics**

<p>| a. Describe fencing and posting (signs) used on each HMU. Fencing and posting guidance is shown in Tables 6.4 and 6.5 of the Guidance. | X                | X                        | Guidance 6.5                                  |
| b. Describe backflow prevention equipment for each irrigation well, domestic well and public water system that has an interconnection with a wastewater, recycled water system, or other source of contamination. | X                |                          |                                              |</p>
<table>
<thead>
<tr>
<th>Plan Section and Requirements</th>
<th>Plan of Operation</th>
<th>Prelim. Technical Report</th>
<th>DEQ Guidance Section No. or other source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Climatic characteristics – provide meteorological data of the site, including precipitation,</td>
<td>Plan of Operation</td>
<td>X</td>
<td>Guidance 2.1.1, 4.1.1.1</td>
</tr>
<tr>
<td>high and low temperature data, frost-free days, and wind speed and direction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Soils</td>
<td>X</td>
<td>X</td>
<td>Guidance 2.1.2, 4.4.9, 7.4.3</td>
</tr>
<tr>
<td>i. Describe the soil types present at all reuse sites. Use Natural Resources Conservation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service (NRCS) soil survey information if available or site-specific information,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. provide and interpret available soil monitoring results, and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. for sites applying or proposing to apply during the non-growing season, provide</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>calculations used to determine acceptable non-growing season hydraulic loading rates.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(See Guidance Section 4.4.9)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Topography – describe configuration of land surface: elevation, slope, relief, and</td>
<td>X</td>
<td>Guidance 2.1.3</td>
<td></td>
</tr>
<tr>
<td>aspect and the relationship to land application design.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Surface Water</td>
<td>X</td>
<td>X</td>
<td>Beneficial Uses of Surface Water</td>
</tr>
<tr>
<td>i. Identify and describe the location of surface water(s) located near the wastewater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>treatment and reuse sites.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. List applicable DEQ beneficial uses of surface water. (See 58.01.02, sections 110</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>through 160)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Describe the influence of the wastewater treatment system and reuse site on nearby</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>surface waters.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Ground Water</td>
<td>X</td>
<td>Guidance 2.1.4, 6.6, 7.1,</td>
<td></td>
</tr>
<tr>
<td>i. Describe the ground water conditions including depth to first water, depth to</td>
<td></td>
<td>7.2, 7.7.4</td>
<td></td>
</tr>
<tr>
<td>regional ground water, confined or unconfined (if known), ground water flow direction,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and seasonal variations in depth or flow direction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. Describe the ground water monitoring well network, including location, depth,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>construction, completion, lithology, and aquifer parameters for each monitoring well</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(attach well logs). Describe the gradient position of each monitoring well and the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>purpose it serves in the network. Identify wells that no longer produce samples.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Provide the location of public wells, private wells, irrigation wells located within</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a one-quarter mile of the reuse site(s). Include copies of well logs if available.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. Conduct a well location acceptability analysis for the wells identified. (see</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guidance Section 6.6.4)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>v. Provide and interpret ground water monitoring or modeling results.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 8. Reuse Site Loading Rates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Describe how the facility tracks recycled water and irrigation water hydraulic loading</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.1, 7.5.2.2</td>
</tr>
<tr>
<td>for each HMU.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Section and Requirements</td>
<td>Plan of Operation</td>
<td>Prelim. Technical Report</td>
<td>DEQ Guidance Section No. or other source of information</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>--------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>b. Provide the design and typical recycled water and irrigation water hydraulic loading rates by month for each HMU and the basis used to establish design rates.</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.1.1</td>
</tr>
<tr>
<td>c. Describe irrigation scheduling methods and practices used.</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.1.1.2</td>
</tr>
<tr>
<td>d. Describe the source(s) of supplemental irrigation water and typical hydraulic loading rate by month.</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.1.1.2.1, 4.1.1.2.2</td>
</tr>
<tr>
<td>e. Attach documentation of water rights for supplemental irrigation water (if used). Confirm water rights, in combination with recycled water volume are sufficient to meet crop water needs.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f. Describe non-growing season application practices.</td>
<td>X</td>
<td></td>
<td>Guidance 4.1.2</td>
</tr>
<tr>
<td>g. If storage ponds/lagoons are used, include monthly water balances for the storage system, including all inputs and outputs to demonstrate sufficient capacity is provided for the system.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>h. Describe how the facility calculates and manages loading rates for relevant constituents (e.g., nitrogen, phosphorus, chemical oxygen demand, NVDS) for each HMU. Loading rate information should identify respective loadings from each source, such as recycled water, waste solids, and fertilizers.</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.2.1, 4.2.2</td>
</tr>
<tr>
<td>i. Identify the land limiting constituent for the land application system.</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.</td>
</tr>
</tbody>
</table>

**Section 9. Reuse Site Vegetation**

<table>
<thead>
<tr>
<th>Plan Section and Requirements</th>
<th>Plan of Operation</th>
<th>Prelim. Technical Report</th>
<th>DEQ Guidance Section No. or other source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cropped sites: describe the crop rotation plan. Include crop type, approximate planting and harvest dates, expected yield, expected crop uptake values for relevant constituents, method used to calculate crop uptake, anticipated commercial fertilizers application rates, any other anticipated source of nutrients or constituents of concern, irrigation water requirement (IWR) for each crop type and the basis used to determine IWR.</td>
<td>X</td>
<td>X</td>
<td>Guidance 2.2</td>
</tr>
<tr>
<td>b. Silvicultural (forest) site: describe dominant forest and understory species, respective percentage of the site occupied by each, and age class and successional stage of the forest. Describe management of forested sites. Include pest and weed control, harvest, thinning, new planting, and anticipated dates of these operations.</td>
<td>X</td>
<td>X</td>
<td>Guidance 2.2.2</td>
</tr>
<tr>
<td>c. Native vegetation site: describe dominant vegetation species and respective percentage of the site occupied by each. Describe the management of sites with native vegetation, including pest and weed control and other operations, if any, and anticipated dates of these operations.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Plan Section and Requirements</td>
<td>Plan of Operation</td>
<td>Prelim. Technical Report</td>
<td>DEQ Guidance Section No. or other source of information</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------</td>
<td>--------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td><strong>Section 10. Reuse Site Management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Site management history – describe past uses and management of reuse sites including important events and dates, agronomic practices, and other relevant land use practices.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Compliance Activities: If applying for a permit modification or renewal, provide a summary of the status of each compliance activity in the existing permit.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Site Management Plans - If the site has previously developed management plans listed below (or other site-specific plans), provide updated plans as necessary to reflect current operations. For new sites or if the applicable management plan(s) have not been developed for existing sites, prepare the following plans:</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>i. Buffer Zone Plan – Address buffer zones for dwellings, areas of public access, surface waters, private and public water sources, and irrigation and monitoring wells. Compare proposed or existing buffer zone distances with DEQ guideline buffer distances and describe any proposed mitigation measures to reduce buffer zone distances. Include a scaled map showing buffer zones (existing or proposed).</td>
<td>X</td>
<td>X</td>
<td>Guidance 6.5, 6.6</td>
</tr>
<tr>
<td>ii. Grazing management: describe planned grazing activities, including type and number of animals, grazing rotation, and time of year.</td>
<td>X</td>
<td>X</td>
<td>Guidance 6.4</td>
</tr>
<tr>
<td>iii. Nuisance management: describe administrative and engineering controls to prevent nuisance conditions, such as odors, overspray, vector attraction, and noise. Include specific design considerations, operation and maintenance procedures, and management practices to be employed. Describe procedures for handling and responding to complaints about facility-caused nuisances.</td>
<td>X</td>
<td>X</td>
<td>Guidance 2.3.2 Air Quality Pollutants and Odors</td>
</tr>
<tr>
<td>iv. Waste solids management: describe type and quantity of waste solids generated, process by which wastes are generated, physical and chemical characteristics, and waste storage systems. Describe disposal or recycling of these wastes, identify locations of disposal or recycling sites, and discuss criteria for selecting these sites. (See 58.01.16.650 of the Wastewater Rules). Waste solids management plans should be submitted prior to stock-piling, disposal, or reuse for DEQ review and approval.</td>
<td>X</td>
<td>X</td>
<td>Sludge and Biosolids Wastewater Rules</td>
</tr>
<tr>
<td>v. Nonvolatile Dissolved Solids (NVDS) Management Plan – Systems with high NVDS (referred to as salts) loading rates may cause elevated ground water total dissolved solids (TDS) levels. The NVDS management plan is used to identify sources of salt and reduce NVDS-loading rates as necessary to satisfy the Ground Water Quality Rule, IDAPA 58.01.11.</td>
<td>X</td>
<td>X</td>
<td>Guidance 4.2.2.5</td>
</tr>
</tbody>
</table>
### Plan Section and Requirements

<table>
<thead>
<tr>
<th>Plan of Operation</th>
<th>Prelim. Technical Report</th>
<th>DEQ Guidance Section No. or other source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>vi. Runoff management: describe administrative and engineering controls and best management practices used to prevent runoff of recycled water from the reuse site. Include provisions/practices to prevent run-on of storm water onto reuse sites.</td>
<td>X</td>
<td>Guidance 4.1.3</td>
</tr>
<tr>
<td>vii. Weed management.</td>
<td>X</td>
<td>Guidance 6.8</td>
</tr>
</tbody>
</table>

### Section 11. Quality Assurance Project Plan

Prepare and implement a quality assurance project plan (QAPP) to assist in planning for collection, analysis, and reporting of all monitoring in support of permit and explaining data anomalies when they occur. At a minimum, the QAPP must include the following:

i. Number of measurements, number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection, and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

ii. Maps indicating the location of each monitoring and sampling point.

iii. Personnel qualification and training.

iv. Names, addresses, and telephone numbers of the laboratories used by or proposed to be used by the permittee.

v. Example formats and tables that will be used by the permittee to summarize and present all data in the annual report.

The QAPP format and content should adhere to recommendations and references in the quality assurance and data processing sections of the DEQ guidance.

Note: For existing facilities having a QAPP, include with the preliminary technical report. For new facilities, QAPP requirements will be discussed during the pre-application conference.

### Section 12. Monitoring Activities

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Describe recycled water monitoring.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Describe supplemental irrigation water monitoring.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>c. Describe ground water monitoring.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>d. Describe soil monitoring.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>e. Describe crop tissue monitoring.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>f. Describe any other monitoring (e.g., meteorological and vadose zone).</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Section 13. Maintenance

Provide maintenance information, including the following: preventative maintenance schedules; troubleshooting charts and guides; maintenance record system; location of manufacturer’s manuals; management of spare parts inventory; vendors, outside contractors and suppliers.

<table>
<thead>
<tr>
<th>Plan Section and Requirements</th>
<th>Plan of Operation</th>
<th>Prelim. Technical Report</th>
<th>DEQ Guidance Section No. or other source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 13. Maintenance</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 14. Records and Reports

| a. Provide general overview of records kept, recordkeeping system, and reports generated. | X |
| b. Describe daily operating logs and provide examples. | X |
| c. Describe laboratory records and reports and provide examples. | X |
| d. Describe reporting procedures for permit violations. | X |
# Table of Contents

List of Tables ........................................................................................................................................ iii

List of Abbreviations ........................................................................................................................... v

Executive Summary ................................................................................................................................. 1

1. Introduction and Background ........................................................................................................... 1-1

2. Operation and Management Responsibility .................................................................................... 2-1
   2.1 Organizational Chart ................................................................................................................. 2-1
   2.2 Applicant Operation Documentation ...................................................................................... 2-1

3. Permits and Other Regulatory Requirements .................................................................................. 3-1
   3.1 Permits and Regulatory Documents ...................................................................................... 3-1

4. Land Application Site ....................................................................................................................... 4-1
   4.1 Topographic Maps .................................................................................................................. 4-1
   4.2 Regional Map and Description .............................................................................................. 4-1
   4.3 Scaled Map (Hydraulic Management Units) ........................................................................... 4-1
   4.4 Scaled Map (Recycled Water and Supplemental Water) ....................................................... 4-1
   4.5 Description of Land Use ......................................................................................................... 4-1
   4.6 Identify Ownership .................................................................................................................. 4-2

5. General Plant Description ............................................................................................................... 5-1
   5.1 Wastewater Treatment Design .............................................................................................. 5-1
   5.2 Wastewater Treatment Process ............................................................................................. 5-2
   5.3 Characterize Wastewater and Recycled Water Streams ....................................................... 5-4

6. Wastewater and Recycled Water Treatment and Storage Lagoons .................................................. 6-1
   6.1 Treatment and Storage Ponds ............................................................................................... 6-1

7. Reuse Site Features and Characteristics ........................................................................................ 7-1
   7.1 Fencing and Posting ............................................................................................................... 7-1
   7.2 Climatic Characteristics .......................................................................................................... 7-1
   7.3 Soils ...................................................................................................................................... 7-2
   7.4 Topography ............................................................................................................................. 7-3
   7.5 Surface Water ......................................................................................................................... 7-3
      7.5.1 Nearby Surface Waters .................................................................................................... 7-4
      7.5.2 Influence on Nearby Surface Waters ............................................................................ 7-9
   7.6 Groundwater ........................................................................................................................... 7-12
      7.6.1 Groundwater in the Area of Analysis ........................................................................... 7-12
      7.6.2 Modelled Impacts on Groundwater Quality ................................................................ 7-13

8. Reuse Site Loading Rates ................................................................................................................. 8-1
   8.1 Tracking of Recycled Water and Irrigation ............................................................................ 8-1
Table of Contents

8.2 Design and Loading Rates .....................................................................................................8-1
8.3 Irrigation Scheduling Methods ............................................................................................... 8-4
8.4 Source(s) of Supplemental Irrigation Water ...........................................................................8-4
8.5 Water Rights Documentation .................................................................................................. 8-4
8.6 Monthly Water Balances ......................................................................................................... 8-4
8.7 Facility Calculations and Management of Loading Rates ....................................................8-5
8.8 Land Limiting Constituent ...................................................................................................... 8-5
9. Reuse Site Vegetation .......................................................................................................................9-1
  9.1 Cropped Sites ..........................................................................................................................9-1
  9.2 Forest and Native Vegetation .................................................................................................. 9-2
10. Reuse Site Management ............................................................................................................. 10-1
    10.1 Site Management History .................................................................................................... 10-1
    10.2 Site Management Plans ...................................................................................................... 10-1
        10.2.1 Buffer Zone Plan .................................................................................................... 10-1
        10.2.2 Grazing Management ............................................................................................ 10-1
        10.2.3 Nuisance Management ......................................................................................... 10-1
        10.2.4 Waste Solids Management ................................................................................... 10-2
        10.2.5 Nonvolatile Dissolved Solids (Total Dissolved Solids) ......................................... 10-2
        10.2.6 Runoff Management ............................................................................................. 10-2
11. Quality Assurance Project Plan ...................................................................................................... 11-1
12. Monitoring Activities ....................................................................................................................... 12-1
13. References ..................................................................................................................................... 13-1
Figures ................................................................................................................................................... FIG-1
Appendix A: NPDES Permit ....................................................................................................................... A-1
Appendix B: Pioneer Irrigation District Agreement ................................................................................. B-1
Appendix C: Indian Creek Background Flow Data ................................................................................... C-1
Appendix D: Phyllis Creek Background Data .......................................................................................... D-1
Appendix E: Groundwater Modelling Documentation .................................................................................... E-1
Appendix F: Irrigation Water Requirements Discussion ................................................................................. F-1

List of Tables
Table 1-1. Recycled Water Rules Requirement Discussion Location in Application .........................1-2
Table 3-1. Land Uses Adjacent to Pipeline Route Options ............................................................... 4-2
Table 5-1. Nampa WWTP Recycled Water Program Design Conditions .......................................... 5-1
Table 5-2. Class A Recycled Water Classification and Additional Requirements ............................ 5-2
Table 5-3. Recycled Water Program Unit Processes Required & Preliminary Design Criteria .......... 5-3
Table 5-4. Nampa Wastewater Current Flows and Loads.................................................................5-6
Table 5-5. Nampa Wastewater 2040 Flow and Loading Projections ................................................5-7
Table 7-1. Monthly and Annual Climate ..........................................................................................7-2
Table 7-2. Phyllis Canal Diversions and Inputs................................................................................7-8
Table 7-3. Projected Indian Creek Impacts.......................................................................................7-9
Table 7-4. Background Phyllis Canal Data Summary .......................................................................7-10
Table 7-5. Total Dissolved Solids Mixing.......................................................................................7-10
Table 7-6. Total Nitrogen Mixing....................................................................................................7-11
Table 7-7. Total Phosphorus Mixing................................................................................................7-11
Table 7-8. Temperature Mixing.......................................................................................................7-12
Table 7-9. Minimum Distances from a Public Water System Well ..................................................7-13
Table 8-1. Land Use Acreage in Sample Area..................................................................................8-1
Table 8-2. IWR Sample Area...........................................................................................................8-2
Table 8-3. Nutrient Loading Rates ................................................................................................8-3
Table 8-4. Expected IWR, Total Nitrogen, and Total Phosphorus by Month....................................8-4
Table 8-5. Design Effluent Concentrations of Relevant Constituents ..............................................8-5
Table 8-6. Typical Uptake Rates......................................................................................................8-6
Table 8-7. Applied Nutrient Load percent of Typical Uptake............................................................8-6
Table 9-1. Pioneer Irrigation District Land Use................................................................................9-1
Table 9-2. Pioneer Irrigation District Land Use................................................................................9-2
Table C-1. May 2012 Indian Creek Background Flow Data..............................................................C-2
Table C-2. June 2012 Indian Creek Background Flow Data.............................................................C-3
Table C-3 July 2012 Indian Creek Background Flow Data...............................................................C-4
Table C-4. August 2012 Indian Creek Background Flow Data........................................................C-5
Table C-5. September 2012 Indian Creek Background Flow Data..................................................C-6
Table D-1. Phyllis Canal Background Data.......................................................................................D-2
List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ac</td>
<td>acre</td>
</tr>
<tr>
<td>amsl</td>
<td>above mean sea level</td>
</tr>
<tr>
<td>bgs</td>
<td>below ground surface</td>
</tr>
<tr>
<td>BOD</td>
<td>biochemical oxygen demand</td>
</tr>
<tr>
<td>cfm</td>
<td>cubic feet per minute</td>
</tr>
<tr>
<td>cfs</td>
<td>cubic feet per second</td>
</tr>
<tr>
<td>City</td>
<td>City of Nampa</td>
</tr>
<tr>
<td>COLD</td>
<td>cold water aquatic life</td>
</tr>
<tr>
<td>EPA</td>
<td>U.S. Environmental Protection Agency</td>
</tr>
<tr>
<td>ft</td>
<td>feet</td>
</tr>
<tr>
<td>ft²</td>
<td>square feet</td>
</tr>
<tr>
<td>ft bgs</td>
<td>feet below ground surface</td>
</tr>
<tr>
<td>gpm</td>
<td>gallons per minute</td>
</tr>
<tr>
<td>gs</td>
<td>growing season</td>
</tr>
<tr>
<td>hp</td>
<td>horsepower</td>
</tr>
<tr>
<td>I/I</td>
<td>infiltration and inflow</td>
</tr>
<tr>
<td>IDEQ</td>
<td>Idaho Department of Environmental Quality</td>
</tr>
<tr>
<td>IDAPA</td>
<td>Idaho Administrative Procedure Act</td>
</tr>
<tr>
<td>in/hr</td>
<td>inch per hour</td>
</tr>
<tr>
<td>IWR</td>
<td>Irrigation Water Requirement</td>
</tr>
<tr>
<td>kW</td>
<td>kilowatt</td>
</tr>
<tr>
<td>lb/ac-gs</td>
<td>pounds per acre per growing season</td>
</tr>
<tr>
<td>LF</td>
<td>linear feet</td>
</tr>
<tr>
<td>mgd</td>
<td>million gallons per day</td>
</tr>
<tr>
<td>mg/l</td>
<td>milligrams per liter</td>
</tr>
<tr>
<td>mJ/cm²</td>
<td>millijoule per square centimeter</td>
</tr>
<tr>
<td>MG</td>
<td>million gallons</td>
</tr>
<tr>
<td>MPN</td>
<td>most probably unit</td>
</tr>
<tr>
<td>MS4</td>
<td>Municipal Separate Storm Sewer System</td>
</tr>
<tr>
<td>NOAA</td>
<td>National Oceanic and Atmospheric Administration</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>NTU</td>
<td>Nephelometric Turbidity Unit</td>
</tr>
<tr>
<td>PCR</td>
<td>primary contact recreation</td>
</tr>
<tr>
<td>PI</td>
<td>pressurized irrigation</td>
</tr>
<tr>
<td>PID</td>
<td>Pioneer Irrigation District</td>
</tr>
<tr>
<td>RAS</td>
<td>return activated sludge</td>
</tr>
</tbody>
</table>

S.U. standard unit
TDH total design head
TDS total dissolved solids
TKN total Kjeldahl nitrogen
TN total nitrogen
TP total phosphorus
TSS total suspended solids
WAS waste activated sludge
WWTP wastewater treatment plant
Executive Summary

The City of Nampa (City) is authorized to discharge treated wastewater effluent from the Nampa Wastewater Treatment Plant (WWTP) to Indian Creek under U.S. Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) Permit No. ID0022063 (Appendix A). The City is seeking a recycled water reuse permit from the Idaho Department of Environmental Quality authorizing discharge of Class A recycled water from the Nampa WWTP as agricultural and municipal irrigation supply augmentation water to the Phyllis Canal. The discharge will occur annually between approximately May 1 and September 30. Once the water enters the canal it is considered irrigation water and is managed by Pioneer Irrigation District for use downstream from the discharge point. The design flow planned for this discharge is 31 cubic feet per second (cfs). The Phyllis Canal typically conveys irrigation water at a rate of approximately 200 cfs along the reach of the proposed recycled water discharge location.

This preliminary technical report includes background information and a discussion of proposed activities and operations to support the City’s requested target effluent limits as described below:

- Class A recycled water concentrations for constituents of concern.
- 30 mg/l total nitrogen (recycled water use is not groundwater recharge)
- No temperature limit

This reuse project is expected to improve water quality in Indian Creek by removing Nampa WWTP discharges to the creek for 5 months out of the year. Compared to the Nampa WWTP NPDES permit conditions, the proposed recycled water reuse permit conditions would achieve a 24 percent average decrease in total phosphorus loading to Indian Creek and a 60 percent average decrease in total nitrogen loading during the proposed period of recycled water discharge to the canal.

The City and PID have entered into an agreement for receipt and use of Class A recycled water from the City to the Phyllis Canal at flows up to 41 cfs. PID provides irrigation service to approximately 34,000 acres in western Ada County and Canyon County, including the City’s pressurized irrigation system. Below the proposed recycled water discharge point, the Phyllis Canal distributes irrigation water to approximately 17,000 acres north and west, ultimately discharging to tributaries of the Riverside Canal in Caldwell and other irrigation facilities west to Greenleaf.

Total nitrogen concentrations (average 1.7 mg/l) are much lower than the proposed recycled water effluent limit of 30 mg/l, and the mixed concentration in the canal would be about 5.5 mg/l under the discharge conditions of this water reuse project. This would benefit agricultural users because the irrigation water has historically been deficient in nitrogen. Because nitrogen fertilizer application is a common practice in this area, the City and PID will cooperate to educate customers in the service area about the increasing total nitrogen levels to avoid over application of total nitrogen that may exceed agronomic uptake rates of crops and landscaped areas in the portion of the PID service area downstream of the recycled water discharge location.
Introduction and Background

The City of Nampa (City) is authorized to discharge treated wastewater effluent from the Nampa Wastewater Treatment Plant (WWTP) to Indian Creek under U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit No. ID0022063. The permit was issued September 20, 2016, effective November 1, 2016, through October 31, 2021. The permit is included at the end of the application as Appendix A.

In early 2018, the City completed a wastewater facility plan (BC, 2018) that was accepted by the Idaho Department of Environmental Quality (IDEQ) in spring 2018. The facility plan describes irrigation supply augmentation as the preferred alternative for wastewater management between May 1 and September 30. This alternative was selected through public engagement and a business case evaluation that compared multiple identified alternatives.

Therefore, the City is seeking a recycled water reuse permit from the IDEQ and has developed this application to provide information to support development and issuance of a permit. This document serves as the City’s preliminary technical report in anticipation of approval to convey Class A recycled water treated at the Nampa WWTP to be discharged as agricultural and municipal irrigation supply augmentation water to the Phyllis Canal annually between May 1 and September 30. The maximum design flow planned for this discharge is 31 cubic feet per second (cfs). The Phyllis Canal typically conveys irrigation water at a rate of approximately 200 cfs along the reach of the proposed recycled water discharge location.

The Phyllis Canal is owned and operated by the Pioneer Irrigation District (PID). The City and PID have entered into an agreement for receipt and use of Class A recycled water from the City to the Phyllis Canal at flows up to 41 cfs. PID provides irrigation service to approximately 34,000 acres in western Ada County and Canyon County, including the City’s pressurized irrigation system. Below the proposed recycled water discharge point, the Phyllis Canal distributes irrigation water to approximately 17,000 acres north and west, ultimately discharging to tributaries of the Riverside Canal in Caldwell and other irrigation facilities west to Greenleaf.

This Preliminary Technical Report includes a discussion of the organization of the Nampa WWTP and permits and regulatory documents in Sections 2 and 3, respectively. Section 4 includes several figures that provide reference for the recycled water discharge, the PID service area, and the broader area of analysis. Section 5 describes the wastewater treatment design and characterization of wastewater, while Section 6 discusses the applicability of treatment lagoons and storage ponds.

Sections 7 through 10 provide background information for the area of analysis pertinent to the reuse permit conditions, as well as a discussion of loading rates and the management conditions in the area of analysis. Sections 11 and 12 provide a preliminary discussion of the monitoring of recycled water prior to discharge to Phyllis Canal and the quality assurance and quality control procedures the City will employ to maintain compliance with permit requirements.

Table 1-1 below shows where key sections of the Recycled Water Rules are addressed in the Preliminary Technical Report and Plan of Operations.
<table>
<thead>
<tr>
<th>Section of Recycled Water Rules</th>
<th>Description of Recycled Water Rule</th>
<th>Preliminary Technical Report Section</th>
<th>Plan of Operations Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>601</td>
<td>Municipal Recycled Water: Classification, Treatment, Use</td>
<td>Section 5</td>
<td>Section 5</td>
</tr>
<tr>
<td>602</td>
<td>Municipal Recycled Water: Classification and Uses Tables</td>
<td>Section 3</td>
<td>Section 3</td>
</tr>
<tr>
<td>603</td>
<td>Municipal Recycled Water: Access, Exposure and Signage</td>
<td>Section 7, Section 10</td>
<td>Section 8</td>
</tr>
<tr>
<td>604</td>
<td>Reuse Facilities: Buffer Distances</td>
<td>Section 10</td>
<td>Section 8</td>
</tr>
<tr>
<td>605</td>
<td>Municipal Recycled Water: Preliminary Engineering Reports</td>
<td>Section 5</td>
<td>Section 5, Section 6</td>
</tr>
<tr>
<td>606</td>
<td>Reuse Facility: Plan and Specification Review</td>
<td>Section 5</td>
<td>Section 5</td>
</tr>
<tr>
<td>607</td>
<td>Municipal Recycled Water: Distribution Pipelines</td>
<td>Section 4</td>
<td>Section 4</td>
</tr>
<tr>
<td>608</td>
<td>Municipal Recycled Water: Pumping Stations</td>
<td>Section 5, Section 7</td>
<td>NA</td>
</tr>
<tr>
<td>609</td>
<td>Municipal Recycled Water: Lagoons</td>
<td>Section 6</td>
<td>Section 7</td>
</tr>
<tr>
<td>610</td>
<td>Municipal Recycled Water: Class A Recycled Water Filtration</td>
<td>Section 5, Section 8</td>
<td>Section 5, Section 6</td>
</tr>
<tr>
<td>611</td>
<td>Municipal Recycled Water: Reliability and Redundancy</td>
<td>Section 6</td>
<td>NA</td>
</tr>
<tr>
<td>612</td>
<td>Demonstration of Technical, Financial, and Managerial Capacity of Municipal Reuse Facility</td>
<td>Section 2</td>
<td>Section 2</td>
</tr>
<tr>
<td>613</td>
<td>Reuse Facility: Rapid Infiltration System</td>
<td>Section 7</td>
<td>NA</td>
</tr>
<tr>
<td>614</td>
<td>Ground Water Recharge: Class A Recycled Water</td>
<td>Section 5, Section 7</td>
<td>Section 3</td>
</tr>
<tr>
<td>615</td>
<td>Subsurface Distribution of Recycled Water</td>
<td>Section 4</td>
<td>Section 4</td>
</tr>
</tbody>
</table>
Section 2
Operation and Management Responsibility

2.1 Organizational Chart
The personnel and positions identified in the organizational chart below are responsible for operating and maintaining the wastewater and reuse water systems for the City of Nampa Wastewater Treatment Plant.

In accordance with IDAPA 24.05.01 all wastewater treatment operators, collections operators, and laboratory analysts have a wastewater treatment operator license, ranging from level I through level IV. Andy Zimmerman, Shannon Johnson, and Joe Tague are all certified level IV operators.

2.2 Applicant Operation Documentation
The Applicant is the sole owner and operator of the City of Nampa WWTP, including all recycled water treatment, conveyance, and discharge equipment and operations.
Section 3
Permits and Other Regulatory Requirements

3.1 Permits and Regulatory Documents

Discharges from the Nampa WWTP to Indian Creek are authorized under EPA NPDES Permit No. ID0022063. The permit was issued September 20, 2016, effective November 1, 2016, through October 31, 2021. The permit is included at the end of the application as Appendix A.

The City has also completed an agreement with PID, dated March 8, 2018, authorizing the City to discharge up to 41 cfs (annual average) of recycled water to the Phyllis Canal every year between May 1 and October 1. A copy of the fully executed agreement is included as Appendix B.

Other than the IDEQ Wastewater Reuse Permit associated with this application, no other permitting is anticipated at this time to maintain the treatment and discharge of Class A Recycled Water to the Phyllis Canal.

During the design phase of the reuse water pipeline from the Nampa WWTP to Phyllis Canal, permits and agreements required for constructing the pipeline and discharge structure will be identified and scheduled to be attained in a sequence amenable to design and construction timing.
Section 4

Land Application Site

4.1 Topographic Maps

Figure 1 is a topographic map identifying the Nampa WWTP in relation to the Phyllis Canal. Figure 2 provides a view of the potential routes a recycled water pipeline may take from the Nampa WWTP to the Phyllis Canal. Figure 3 presents the PID service area downstream from the proposed recycled water discharge point. The area within the red polygon includes an approximately 1/4-mile buffer of the area. The customers served by PID in this area include the cities of Nampa and Caldwell. Both cities have several pump stations and diversions installed along the Phyllis canal and associated drains and laterals to supply irrigation water to each city’s irrigation utility customers. Other major PID customers in this area include unincorporated subdivisions, private residences, and farms. Additional information on the major crop types in this area is included in Section 9. Downstream (north and west) irrigation districts including Riverside Irrigation District and the Black Canyon Irrigation District also rely heavily on irrigation water and return flows (both surface water and shallow groundwater) managed by PID.

4.2 Regional Map and Description

A broader regional map surrounding the PID area is included as Figure 4. Included for reference, Figure 5 is map developed by the Idaho Department of Water Resources that identifies the jurisdictions of all irrigation companies and cooperatives operating in Canyon County.

4.3 Scaled Map (Hydraulic Management Units)

Hydraulic management units are not applicable for this permit, considering the discharge of recycled water directly to the Phyllis Canal as opposed to application to a specific hydraulic management unit.

4.4 Scaled Map (Recycled Water and Supplemental Water)

The scaled map presented in Figure 2 identifies multiple proposed pipeline routes and associated discharge points. All pipeline routes begin near the Nampa WWTP outfall to Indian Creek and discharge at points along a 1-mile section of the Phyllis Canal. Pipeline routes will be further evaluated in the predesign phase of Nampa WWTP upgrades, and the selected route will be reported to the IDEQ.

4.5 Description of Land Use

As seen in Figure 2, land uses adjacent to pipeline routes and discharge points may vary slightly. The table below identifies the adjacent land uses for each proposed pipeline route and discharge point. It is important to note that regardless of the pipeline route chosen, the discharge point will be located on PID property.
### Table 3-1. Land Uses Adjacent to Pipeline Route Options

<table>
<thead>
<tr>
<th>Land uses adjacent to pipeline route</th>
<th>Option 1A</th>
<th>Option 1B</th>
<th>Option 2A</th>
<th>Option 2B</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>• industrial</td>
<td>• industrial</td>
<td>• industrial</td>
<td>• industrial</td>
<td>• industrial</td>
<td>• industrial</td>
</tr>
<tr>
<td>• transportation</td>
<td>• transportation</td>
<td>• transportation</td>
<td>• transportation</td>
<td>• transportation</td>
<td>• transportation</td>
</tr>
<tr>
<td>• commercial</td>
<td>• commercial</td>
<td>• commercial</td>
<td>• commercial</td>
<td>• commercial</td>
<td>• commercial</td>
</tr>
<tr>
<td>• public</td>
<td>• public</td>
<td>• public</td>
<td>• public</td>
<td>• public</td>
<td>• public</td>
</tr>
<tr>
<td>• residential</td>
<td>• residential</td>
<td>• residential</td>
<td>• residential</td>
<td>• residential</td>
<td>• residential</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land use adjacent to PID property at discharge point</th>
<th>Option 1A</th>
<th>Option 1B</th>
<th>Option 2A</th>
<th>Option 2B</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>• commercial</td>
<td>• residential</td>
<td>• residential</td>
<td>• public</td>
<td>• commercial</td>
<td>• commercial</td>
</tr>
</tbody>
</table>

### 4.6 Identify Ownership

The recycled water pipeline will be buried from the Nampa WWTP to the discharge point. The discharge to Phyllis Canal will be located on PID property, but the pipeline and associated infrastructure will be owned by the City. The City and PID have entered into an agreement authorizing the discharge of Class A recycled water to the Phyllis Canal, with the pipeline and associated infrastructure to be authorized under a subsequent license agreement in the future once final location and design are selected and completed. A copy of the existing discharge agreement is included as Appendix B.
Section 5

General Plant Description

5.1 Wastewater Treatment Design

The Nampa WWTP receives wastewater from domestic (residential/commercial) dischargers, industrial dischargers, infiltration and inflow (I/I) from seasonal irrigation sources, and I/I from sources other than irrigation users. The current design total rated hydraulic (maximum month) capacity is 18 million gallons per day (mgd). The recent Nampa Wastewater Program Facility Plan (Facility Plan) provides flow and loading projections through 2040. The future expected influent flow to the Nampa WWTP is 20.1 mgd.

In addition to future growth, the City considered applicable regulatory requirements for both NPDES and Recycled Water discharge. These combined factors are summarized in Table 5-1, below.

<table>
<thead>
<tr>
<th>Table 5-1. Nampa WWTP Recycled Water Program Design Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parameter</strong></td>
</tr>
<tr>
<td>Maximum month flow</td>
</tr>
<tr>
<td>Effluent TSS</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Effluent BODs</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Effluent total phosphorus</td>
</tr>
<tr>
<td>Effluent total nitrogen</td>
</tr>
<tr>
<td>Effluent ammonia</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

1 The values listed assume discharge to an irrigation canal during the summer season. During the winter season NPDES permit limits apply.

2 Effluent TP limits will be negotiated with PID based on canal operation needs.

3 Effluent TP limits are on a pounds per day basis. Concentration is provided for reference only.

4 Effluent total nitrogen limits are estimated to be lower for summer discharge as a conservative assumption based on the requirements of the Recycled Water Rules (IDAPA 58.01.17, Section 607.02.d). The requirements for this discharge will be further refined through additional permit negotiations.

BOD = biochemical oxygen demand.

lbs/day = pounds per day.

mgd = million gallons per day.

mg/l = milligrams per liter.
### 5.2 Wastewater Treatment Process

The Nampa WWTP operates as a secondary treatment facility that uses conventional aerated activated sludge units for biological oxidation of the wastewater. The Nampa WWTP will be upgraded to provide full-scale recycled water. The goal is to provide Class A recycled water (as defined in IDAPA 58.01.17.601) to local industries and irrigation users for reuse. The processes that will be installed to achieve this include tertiary filtration, additional disinfection, an industrial pump station and pipeline, and an irrigation reuse pump station and pipeline. All water quality requirements for municipal Class A recycled water, as prescribed by IDAPA 58.01.17, are summarized for reference in Table 5-2.

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>IDAPA 58.01.17 Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxidized</td>
<td>Yes</td>
<td>601.01</td>
</tr>
<tr>
<td>Clarified</td>
<td>Yes</td>
<td>601.01</td>
</tr>
<tr>
<td>Filtered</td>
<td>Yes</td>
<td>601.01</td>
</tr>
<tr>
<td>Disinfected</td>
<td>Yes</td>
<td>601.01</td>
</tr>
<tr>
<td><strong>Total coliform</strong> (organisms/100 milliliters)</td>
<td>Median results for last x-days for which analysis have been completed</td>
<td>601.01.a.ii</td>
</tr>
<tr>
<td></td>
<td>2.2 7-day median</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum in any sample</td>
<td>601.01.a.ii</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring frequency</td>
<td>601.01.a.iii</td>
</tr>
<tr>
<td></td>
<td>Daily, or as determined</td>
<td></td>
</tr>
<tr>
<td><strong>Disinfection requirements contact time</strong></td>
<td>Contact time of 450 mg-min L with 90 min of modal time OR disinfection to 5log inactivation of virus</td>
<td>601.01.a.i</td>
</tr>
<tr>
<td><strong>Turbidity (NTU)</strong></td>
<td>24-hr - mean, not to exceed</td>
<td>601.01.b.i</td>
</tr>
<tr>
<td></td>
<td>Granular or cloth media: 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Membrane filter: 0.2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum in any sample</td>
<td>601.01.b.i</td>
</tr>
<tr>
<td></td>
<td>Granular or cloth media: 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Membrane filter: 0.5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring frequency</td>
<td>601.01.b.ii</td>
</tr>
<tr>
<td></td>
<td>Continuous</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Total nitrogen (mg/L)</strong></td>
<td>Groundwater recharge: 10</td>
<td>601.01.c.i</td>
</tr>
<tr>
<td></td>
<td>Residential irrigation and other non-recharge uses: 30</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR</td>
<td></td>
</tr>
<tr>
<td></td>
<td>As required based on an analysis of ground water impacts</td>
<td></td>
</tr>
<tr>
<td><strong>BOD5 (mg/L)</strong></td>
<td>Monthly arithmetic mean, not to exceed</td>
<td>601.01.c.iii</td>
</tr>
<tr>
<td></td>
<td>Groundwater recharge: 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential irrigation and other non-recharge uses: 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring frequency</td>
<td>601.01.c.iii</td>
</tr>
<tr>
<td></td>
<td>Weekly composite</td>
<td></td>
</tr>
<tr>
<td><strong>pH</strong></td>
<td>Any sample</td>
<td>601.01.c.ii</td>
</tr>
<tr>
<td></td>
<td>Between 6.0 and 9.0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring frequency</td>
<td>601.01.c.ii</td>
</tr>
<tr>
<td></td>
<td>Daily grab or continuous monitoring</td>
<td></td>
</tr>
</tbody>
</table>

1 Membrane filtration identified as tertiary treatment technology per the Facility Plan; should unit process assumptions change during preliminary design; water quality requirement assumptions should be revisited.
Recycled Water Reuse Permit Application Preliminary Technical Report

The necessary unit processes and the associated design capacity of the systems required to provide Class A recycled water at the Nampa WWTP are summarized in Table 5-3. These design criteria will be further defined through preliminary and final design stages of the project.

| Table 5-3. Recycled Water Program Unit Processes Required & Preliminary Design Criteria |
|---------------------------------|----------------------------------------------------------------------------------|
| **Unit Process** | **Unit Process Assumptions** |
| Aeration basin modifications | • Aeration Basin #4 construction  
• Sized identical to existing aeration basins: 134 ft x 160 ft x 21 ft  
• 3,304,000-gallon capacity |
| Blower building | • Six 700-hp blowers (five duty, one standby), 9,750 cfm sizing  
• 12,000-ft² building  
• 500-kW generator |
| RAS piping and WAS pumping | • Two WAS pumps (10 hp each)  
• WAS pump TDH: 50 ft  
• 60 LF of 18-inch RAS piping and fittings  
• 275 LF 30-inch piping |
| Mixed liquor return pumps | • Four pumps, 17,000 gpm (24 mgd) each  
• 10 feet TDH  
• 125 hp mixed flow pumps, one per treatment train |
| Final Clarifier No. 4 | • Circular clarifier, 120-ft diameter with mechanism |
| Solids facility expansion | • 1,650-ft² building expansion  
• Two rotary drum thickeners, 440 gpm capacity each  
• One centrifuge, 200 gpm capacity |
| Struvite reactor | • 3,888-ft² building  
• Struvite reactor equipment and piping  
• 1,185 LF of 10-inch piping |
| Filter lift pump station | • Building enclosure  
• Three vertical turbine pumps  
• 20-inch vertical turbine solids handling  
• Flow: 9,450 gpm  
• TDH: 30 feet  
• Power: 100 hp  
• 500-kW generator  
• 530 LF of 42-inch piping |
| Membrane filtration | • 12,000-ft² building (200 ft x 60 ft x 36 ft)  
• 105-ft long, 40-ft wide, 16-ft deep membrane tanks  
• 36 membrane cassettes and 2,808 modules installed  
• Six permeate pumps  
• Two positive displacement blowers (one duty, one standby) |
| Ultraviolet disinfection: Class A | • 5,460-ft² building  
• Four channels, Nine banks per channel  
• Disinfection dose: 100 mJ/cm² |
| Effluent force main for irrigation reuse | • 6,000 LF of 42-inch high density polyethylene pipe |
### Table 5-3. Recycled Water Program Unit Processes Required & Preliminary Design Criteria

<table>
<thead>
<tr>
<th>Unit Process</th>
<th>Unit Process Assumptions</th>
</tr>
</thead>
</table>
| Effluent pump station for irrigation reuse        | • Three vertical turbine pumps  
• References Project Group A Primary Effluent Pump Station  
• 20-inch vertical turbine solids handling  
• Flow: 9,450 gpm  
• TDH: 30 feet  
• Power: 100 hp  
• Building enclosure: 14 ft x 54 ft                                                                                                                   |
| Effluent pump station & force main for industry   | • Two submersible pumps, duplex-type arrangement  
• TDH: 40–80 ft  
• 10,000 LF of 12-inch polyvinyl chloride force main  
• 840 LF of 42-inch piping industrial flow (1–2 mgd) disinfected to Class-A standards using in-pipe ultraviolet treatment  
• Disinfection dose: 100 mJ/cm²                                                                                                                             |
| Digester #5                                        | • One mixing pump, 125 hp motor  
• Flare relocation                                                                                                                                                                                                     |
| Primary thickening                                 | • Thickening feed pumps, two duty/one standby, 30 hp motors  
• Rotary drum thickeners, two duty/one standby  
• Thickened primary sludge pumps, two duty/one standby, 15 hp motors  
• Polymer makeup and feed systems  
• Centrate pumps: two duty/one standby, 20 hp motors                                                                                                                                                                   |

1 Title 22 approved technology per IDAPA 58.01.17 Section 610.01.
2 Any potable water used as seal water for recycled water pump seals shall be protected from backflow with an approved backflow prevention device or air gap per IDAPA 58.01.17 Section 608.02a.

**Glossary**
- cfm = cubic feet per minute.
- ft = feet.
- ft² = square feet.
- gpm = gallons per minute.
- hp = horsepower.
- kW = kilowatt.
- LF = linear feet.
- mJ/cm² = millijoule per square centimeter.
- RAS = return activated sludge.
- TDH = total design head.
- WAS = waste activated sludge.

Process flow diagrams for the liquid and the solid streams are provided in Figures 6 and 7, respectively.

### 5.3 Characterize Wastewater and Recycled Water Streams

The Nampa WWTP receives and treats wastewater flow and loadings from four sources: domestic (residential/commercial) dischargers, industrial dischargers, I/I from seasonal irrigation, and I/I from sources other than seasonal irrigation influences. The wastewater collected from the service area contains both organic and inorganic loadings.

Domestic flow is independent of seasonal and climate conditions and tends to follow a diurnal flow pattern that reflects timing of water usage in the community. Industrial discharges come from a
range of industries in the service area, including food processing plants, sanitation, and technology services. Industrial discharges are less consistent than domestic discharges and tend to be higher strength in terms of biochemical oxygen demand (BOD), total suspended solids (TSS), total Kjeldahl nitrogen (TKN), and total phosphorus and other loadings. I/I resulting from seasonal irrigation increases throughout the summer and peaks in the early fall. The non-seasonal irrigation I/I is driven by precipitation and groundwater variations (these are independent of irrigation influences).

The City's wastewater flow varies seasonally. Flow volumes are highest from June to January because of irrigation season and industrial food processors' peak discharge during the late fall and winter. The annual average flow to the Nampa WWTP has gradually decreased over recent years, caused by a reduction in local industry and subsequent industrial discharges to the municipal sewage system. The load has also decreased over the past 2 years due to the reduction in industrial discharges. The average monthly flow has not decreased at the same rate as the influent load, most likely because the industrial flows have not decreased at the same rate as loads and there has been growth in domestic discharge, which constitutes flow with lower concentrations of BOD and TSS, yielding less load for the same flow.

A wastewater characterization study was performed as part of the Facility Plan development. The results of the study were documented in TM T-49 Nampa WWTP Capacity Assessment. For more information on wastewater characteristics, refer to Appendix C of the Facility Plan.

The Facility Plan included developing TM T-46 Flow and Loads, which evaluated current conditions and developed future projections based on population growth. The current condition was based on available Nampa WWTP data from 2012 through 2015. Table 5-4 is the resulting current flow and load condition for the Nampa WWTP.
### Table 5-4. Nampa Wastewater Current Flows and Loads

<table>
<thead>
<tr>
<th></th>
<th>Flow (mgd)</th>
<th>BOD (lbs/day)</th>
<th>TSS (lbs/day)</th>
<th>TKN (lbs/day)</th>
<th>TP (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual</td>
<td>Maximum</td>
<td>Peak</td>
<td>Annual</td>
<td>Maximum</td>
</tr>
<tr>
<td>Domestic</td>
<td>7.67</td>
<td>7.67</td>
<td>7.67</td>
<td>16,132</td>
<td>19,578</td>
</tr>
<tr>
<td>Industrial 1, 2</td>
<td>2.82</td>
<td>2.82</td>
<td>4.23</td>
<td>20,389</td>
<td>20,389</td>
</tr>
<tr>
<td>Irrigation-related I/I 3</td>
<td>0.95</td>
<td>2.28</td>
<td>2.38</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Non-irrigation I/I</td>
<td>0.14</td>
<td>0.34</td>
<td>2.30</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Total Influent 4</td>
<td>11.6</td>
<td>13.1</td>
<td>16.6</td>
<td>36,521</td>
<td>39,967</td>
</tr>
</tbody>
</table>

TP = total phosphorus.

1 For industrial customers, the Average Annual flow capacity represents the allowable daily discharge. Values are rounded to the nearest hundredth mgd and whole value lbs/day for flow and load, respectively.

2 Peak Day = 1.5 * monthly average for industrial flows and loads.

3 Seasonal irrigation is calculated to increase during irrigation season (April–September) by approximately 1.9 mgd. This period represents approximately half the year; therefore, the monthly average is 1.9 divided by 2 = 0.95 mgd. Estimates were developed based on Nampa WWTP influent data from 2008 through 2015. Seasonal irrigation average, maximum month, and peak day flows are assumed to not change over time.

4 Total flows = total industrial permitted flow + total domestic flow + seasonal irrigation + other I/I; Total loads = total industrial permitted load + total domestic load; values are rounded to the nearest tenth mgd for flow and nearest lbs/day for loads.
The Facility Plan evaluated future flow and loading conditions through 2040, which will inform the design of the Preferred Alternative. During the summer season, the full 20.1 mgd maximum month flow would be treated to Class A recycled water quality and then discharged to an irrigation canal. The City plans to produce 1–2 mgd of treated Class A water for industrial reuse that would be available year-round. During the winter, the City would operate under its existing NPDES permit and discharge the treated effluent to Indian Creek. Table 5-5 summarizes these future flow and loading conditions.
### Table 5-5. Nampa Wastewater 2040 Flow and Loading Projections

<table>
<thead>
<tr>
<th></th>
<th>Flow (mgd)</th>
<th>BOD (lbs/day)</th>
<th>TSS (lbs/day)</th>
<th>TKN (lbs/day)</th>
<th>TP (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Average</td>
<td>Maximum Month</td>
<td>Peak Day</td>
<td>Annual Average</td>
<td>Maximum Month</td>
</tr>
<tr>
<td>Domestic</td>
<td>13.69</td>
<td>13.69</td>
<td>13.69</td>
<td>30,652</td>
<td>38,136</td>
</tr>
<tr>
<td>Industrial</td>
<td>3.8</td>
<td>3.8</td>
<td>5.7</td>
<td>32,907</td>
<td>32,907</td>
</tr>
<tr>
<td>Irrigation-related I/I</td>
<td>0.95</td>
<td>2.28</td>
<td>2.38</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Non-irrigation I/I</td>
<td>0.14</td>
<td>0.34</td>
<td>2.30</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Total influent flow and loads*</td>
<td>18.6</td>
<td>20.1</td>
<td>24.1</td>
<td>63,560</td>
<td>71,040</td>
</tr>
</tbody>
</table>

1 Peak Day = 1.5 * monthly average for industrial flows and loads.

2 For industrial customers, the Average Annual flow capacity represents the allowable daily discharge. Values are rounded to the nearest hundredth mgd and whole value lbs/day for flow and load, respectively.

3 Seasonal irrigation is calculated to increase during irrigation season (April–September) by approximately 1.9 mgd. This period represents approximately half the year; therefore, the monthly average is 1.9 divided by 2 = 0.95 mgd. Estimates were developed based on Nampa WWTP influent data from 2008 through 2015. Seasonal irrigation average, maximum month, and peak day flows are assumed to not change over time.

4 Total flows = total industrial permitted flow + total domestic flow (2040) + seasonal irrigation + other I/I; total loads = total industrial permitted load + total domestic load (2040); values are rounded to the nearest tenth mgd for flow and 10 lbs/day for loads.
Section 6

Wastewater and Recycled Water Treatment and Storage Lagoons

6.1 Treatment and Storage Ponds
Per the Guidance Manual, storage ponds are typically required for the following applications:

• precipitation causes excessive hydraulic loading
• cultivating practices prevent wastewater application
• winter weather precludes operation or a reduction in the rate of application
• flow variations in quality require equalization
• when an emergency backup for the treatment system is required

Treatment ponds and storage lagoons are not included as part of this project because the Nampa WWTP will maintain its permitted Indian Creek outfall for winter discharges and as an alternative backup system during the irrigation season, as required for additional reliability and redundancy requirements for Class A recycled water by IDAPA 58.01.17 Section 609 Municipal Recycled Water: Lagoons Class A requirements do not apply.
7.1 Fencing and Posting

Buffer zones and fencing are not required for Class A recycled wastewater per IDAPA 58.0117 Section 602.02, Table 3. However, the discharge location and security for instrumentation will provide a buffer zone and a physical barrier to the discharge point. The discharge pipe will be located on PID property (which prohibits access to canal roads by unauthorized personnel). Security fencing or other measures will be installed at the discharge location, similar to City irrigation pump stations located along the Phyllis Canal. In the secured fenced area, signs that read “Caution: Recycled Water—Do Not Drink” or equivalent signage in both Spanish and English will be posted on the fence on all sides.

Warning labels will be installed on designated facilities and equipment within the secured fenced area. The labels will read, “Caution: Recycled Water—Do Not Drink” or equivalent signage, in both Spanish and English.

All piping, valves, and other appurtenances for the pipeline from the Nampa WWTP to the discharge point to Phyllis Canal, both buried and exposed, will be purple in color (Pantone 512, 522, or equivalent). If fading or discoloration of buried purple pipe is experienced during construction, then identification tape or locating wire will be installed that reads “Caution: Recycled Water—Do Not Drink” in either white or black font on purple tape, in both Spanish and English. The overall width of the tape will be at least 3 inches. Identification tape will be installed 18 inches above the transmission pipe longitudinally, will be centered over the pipe, and shall run continuously along the length of the pipe.

Public outreach will also be part of educational programming pursued in conjunction with added signage and fencing. The addition of nutrients to the Phyllis Canal is anticipated to be a benefit for the irrigated crops and lawns in the PID service area. Because fertilizer application is a common practice in this area, the City and PID will cooperate to educate customers in the service area about the increase in nutrient levels in irrigation water to avoid over application of fertilizers.

More broadly, the City will meet with water user groups, environmental advocacy groups, and others to facilitate a dialogue concerning the City’s use of recycled water and address concerns as they are brought to the City. The City also hopes to maintain close communication and collaboration with the IDEQ throughout the application review and permit development process.

7.2 Climatic Characteristics

According to Koppen-Geiger climate zones, Nampa, Idaho, and surrounding areas exhibit a BSk climate, or a “cold semi-arid environment,” marked by hot dry summers and moderate winters. The area receives most precipitation in the cold season while the warm season is mostly dry. Total annual rainfall averages around 10.94 inches, and the bulk of the annual precipitation is received between November and May. The winter months are characterized by uniform widespread
precipitation while the warm season months have more irregular convective showers and thunderstorms. Temperatures represent a high desert regime, with an average annual temperature of 51.6 degrees Fahrenheit. The spring last freeze date is typically around May 3 in Nampa, while the fall first freeze is around October 12. These dates result in a total of 163 frost-free days on average. (National Oceanic and Atmospheric Administration [NOAA], 2018).

The Site is not located in a particularly windy area, but there are times when strong gusts of wind occur. The most significant control on wind direction in the Treasure Valley and the city of Nampa is exerted by the northwest to southeast orientation of the surrounding mountain ranges. Because the valley slopes from southeast to northwest, a southeast drainage wind often occurs during the night and early morning hours. During the afternoon, the east end of the valley typically heats up faster than the west end creating surface low pressure, which in turn creates a northwest wind. Monthly average wind speeds range from 5.9 to 8.5 miles per hour, with occasional strong wind gusts (NOAA, 2018).

The weather parameters that most affect crop evapotranspiration are radiation, air temperature, humidity, and wind speed (FAO, 1998). The evapotranspiration rates of crops directly correlate with their water requirement. An additional discussion of crop types and evapotranspiration rates is included in Section 9.

Monthly and annual average climate data is included below in Table 7-1.

<table>
<thead>
<tr>
<th>Table 7-1. Monthly and Annual Climate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Temp ¹ (F)</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>January</td>
</tr>
<tr>
<td>February</td>
</tr>
<tr>
<td>March</td>
</tr>
<tr>
<td>April</td>
</tr>
<tr>
<td>May</td>
</tr>
<tr>
<td>June</td>
</tr>
<tr>
<td>July</td>
</tr>
<tr>
<td>August</td>
</tr>
<tr>
<td>September</td>
</tr>
<tr>
<td>October</td>
</tr>
<tr>
<td>November</td>
</tr>
<tr>
<td>December</td>
</tr>
<tr>
<td>Annual Average</td>
</tr>
</tbody>
</table>

¹ Temperature and precipitation data from National Climatic Data Center—NOAA.
² Wind speed from Nampa Municipal Airport 2010–present

### 7.3 Soils

The area of analysis used for soils is the PID service area located downstream from the proposed recycled water discharge point. This area is approximated by the red polygon in Figure 3 and is located primarily on sediments of the Bonneville Flood slack waters that inundated the Snake River Valley and lower Boise Valley. The flood deposits overlay terrace gravels of the ancestral Boise River. In addition, basalt flows erupted onto the Snake River Plain during the Pleistocene and inundated ancestral valleys and plains. The basalt flows underlie sediments in the eastern portion of the area
of analysis. The following geologic units as described by the Geologic Map of the Boise Valley and Adjoining Area, Western Snake River Plain, Idaho (Othberg et al., 1992) are found within the area:

- Basalt Flows of Indian Creek Buried by Loess and Stream Sediments: tan massive silt, stratified clay, silt, and sand with basalt approximately 20–50 ft below the surface. Pedogenic clay 10–20 percent.
- Sandy Silt of Bonneville Flood Slack Water: thin bedded tan silt, silty sand, and fine sand (10–20 ft thick) buries this loess, duripan, and sandy pebble gravel of Wilder Terrace (10–25 ft thick) and Whitney Terrace.
- Sandy Alluvium of Side-Stream Valleys and Gulches: medium to coarse sand interbedded with silt and clay. Sediment is derived mostly from weathered granite and reworked Tertiary sediments. Minor pedogenic clay and calcium carbonate are present. Thickness is variable.
- Clay of Bonneville Flood Slack Water: light tan silty clay 3–7 ft thick that buries gravel of the Boise Terrace.
- Alluvium of the Boise and Snake River: sandy cobble gravel to sandy pebble gravel that is 20–46 ft thick.

Soils in the area of analysis consist primarily of silt loams including Power, Greenleaf-Owyhee, Purdam, Bram series, and Baldock loam. The soils are described in the Soil Survey of Canyon Area (U.S. Department of Agriculture, 1972). These soils formed from mixed alluvium, lacustrine deposits, or loess. The soils are well drained for the most part except where depth to water is shallow and the soils are saturated. Soil depths within the area of analysis range from 60 to 65 inches.

Infiltration rates are moderately high (0.2–0.6 inch per hour [in/hr]) for soils in the area of analysis with the exception of Purdam, which commonly has a cemented layer at 20–40 inches below ground surface (bgs) that limits infiltration rates to very low to moderately low (0–0.06 in/hr). The soils range from non-saline to very saline.

### 7.4 Topography

The area of analysis is located on the western Snake River Plain geographical feature, a northwest-trending basin bounded by normal faults. The Lower Snake River Valley slopes downward from southeast to northwest with elevation decreasing from Mountain Home, Idaho (3,146 ft above mean sea level [amsl]), to Ontario, Oregon (2,150 ft amsl).

The irrigation conveyances within the area of analysis distribute and drain water almost exclusively to the north and west (Figure 4) through a network of canals, laterals, and drains. Land application of effluent will be completely within PID. The canal section near the proposed discharge location has an elevation of approximately 2,465 ft amsl. The Phyllis Canal terminus is located southeast of Greenleaf, Idaho, at an elevation of 2,420 ft amsl.

A topographic map can be found on Figure 3.

### 7.5 Surface Water

The Nampa WWTP currently discharges effluent to Indian Creek, which flows northwest from the Nampa WWTP toward the Lower Boise River. The Nampa WWTP is situated within PID service area, approximately 1 mile from the Phyllis Canal. Recycled water is proposed to be discharged to the Phyllis Canal at one of the locations shown on Figure 2. PID provides irrigation water to around 17,000 acres of both agricultural and developed land downstream of the City’s proposed recycled water addition point.
7.5.1 Nearby Surface Waters

7.5.1.1 Lower Boise River

The lower Boise River is a 64-mile-long stretch of river starting at Lucky Peak Dam and flowing northwest through Ada and Canyon Counties to its confluence with the Snake River near Parma, Idaho. The lower Boise River basin drains 1,290 square miles of rangeland, agricultural fields, forests, and growing urban areas, and provides freshwater for a variety of uses including recreation, municipal supply, environmental flows, hydropower, and the primary use of agricultural irrigation. The irrigation conveyance system in the lower Boise River basin is complex; a network of canals and laterals divert water from the lower Boise River for agricultural and municipal irrigation. Local organizations responsible for water allocation and distribution include irrigation districts, canal companies, ditch companies, and individual irrigators.

The Lower Boise River Subbasin, Hydrologic Unit Code 17050114, comprises 17 water body units. The Boise River section from Indian Creek’s confluence to the river’s mouth (SW-1) has two beneficial uses as listed by Rules of the Department of Environmental Quality, IDAPA 58.01.02, “Water Quality Standards”: cold water aquatic life (COLD) and primary contact recreation (PCR). COLD is designated by water quality appropriate for the protection and maintenance of a viable aquatic life community for cold water species. PCR refers to water quality appropriate for prolonged and intimate contact by humans or for recreational activities when the ingestion of small quantities of water is likely to occur (IDAPA 58.01.02 Section 100).

Certain stretches of the Lower Boise River are impaired by pollutants. The IDEQ’s 2014 Integrated Report (IDEQ, 2017) reports impairments to the lower Boise River from Indian Creek to the river’s mouth (ID17050114SW001_06). These impairments include sedimentation/siltation, fecal coliform, and total phosphorus.

7.5.1.2 Indian Creek

Indian Creek is a tributary of the Boise River, beginning southeast of the Treasure Valley and flowing northwest through Ada and Canyon counties. Indian Creek’s confluence with the New York Canal near Kuna, Idaho, serves as artificial headwaters for the waterway. Indian Creek splays from the New York Canal and flows northwest through Nampa and Caldwell, intersecting the Riverside Canal at the western limits of Caldwell. During non-irrigation season (~November–March), Indian Creek’s flow is naturally discharged into the Boise River. During irrigation season (~April–October), most of Indian Creek’s flow is diverted to Riverside Canal, leaving minimal flow to discharge directly to the Boise River. Riverside Canal is a diversion of the Boise River that conveys water to irrigated lands west and north of Caldwell, Idaho.

Indian Creek from Sugar Avenue to its mouth (SW-2) has two designated beneficial use designations: COLD and secondary contact recreation, which refers to water quality appropriate for recreational uses on or about the water and which are not included in the primary contact category (IDAPA 58.01.02 Section 100). The outfall from the Nampa WWTP is located along this reach of Indian Creek.

The IDEQ’s 2014 Integrated Report (IDEQ, 2017) also reports impairments of Indian Creek from Sugar Avenue to the Boise River (ID17050114SW002_04). These impairments include sedimentation/siltation and Escherichia coli.

7.5.1.3 Major Irrigation Conveyances extending beyond the Area of Analysis

The following are major canals in the area that have some interaction with the waterways and/or irrigation conveyances within the area of analysis. Further discussion of interactions is included in
Section 7.5.1.4. Information about major irrigation conveyances extending beyond the area of analysis is the result of PID staff interviews, discussions, and site visits conducted to document actual conditions at critical locations within the PID service area. Site visits were conducted during the 2018 irrigation season. Multiple interviews and discussions with PID staff took place between May 2018 and February 2019 (PID, 2019).

**Notus Canal**

The Notus Canal is owned and operated by Black Canyon Irrigation District. The first unit of the canal begins at the Caldwell Canal Feeder (described in Section 7.5.1.4) and is made up of diverted flow from Wilson drain. From the feeder, Notus Canal, flows northeast and crosses underneath Indian Creek. It then follows Indian Creek for the distance of about 2 miles before it heads north, under the Boise River. In this stretch it makes deliveries to about 150 acres of land inside the PID service area before beginning deliveries to Golden Gate Irrigation District customers on the north side of Caldwell. After the Notus Canal emerges on the north side of the Boise River, deliveries are made to Black Canyon Irrigation District Customers in the agricultural area north and east of Notus, Idaho, between U.S. Highway 26 and Interstate 84.

**Caldwell Highline Canal**

The Caldwell Highline Canal is another Canal owned and operated by PID. The Caldwell Highline Canal originates as a diversion off the Boise River approximately 2.5 miles downstream from where State Highway 16 crosses the Boise River, flowing to the west/southwest. The Caldwell Highline Canal provides irrigation water for area to the north and east of Caldwell, Idaho, and north of Nampa. The canal eventually crosses over Indian Creek and terminates near the point at which Elijah Drain joins Wilson Drain.

**Riverside Canal**

The Riverside Canal is owned and operated by the Riverside Irrigation District. Riverside Canal begins as a diversion off the Boise River just north of Caldwell, approximately 2 miles upstream from the mouth of Indian Creek. The Riverside Canal intercepts Indian Creek for a quarter mile stretch as it flows through Caldwell and heads west toward Greenleaf, Idaho. The West End drain (described further in Section 7.5.1.4) flows into the Riverside Canal near canal mile 8. Below this point, the Riverside canal winds through western Canyon County approximately 22 miles before its tailwaters reach the Snake River. In this stretch, the Riverside Canal delivers water via laterals and diversions and receives water from drains and return flows from fields.

**7.5.1.4 Phyllis Canal, Laterals, Drains, and Conveyances inside the Area of Analysis**

Information about the Phyllis Canal, laterals, drains, and other conveyances inside the area of analysis is the result of PID and City staff interviews, discussions, and site visits conducted to document actual conditions at critical locations within the PID service area. Site visits were conducted during the 2018 irrigation season. Multiple interviews and discussions with PID and City staff took place between May 2018 and February 2019 (PID, 2019). The Phyllis Canal is a man-made canal diverting from the Boise River near Eagle Island and extending west through Canyon County to Greenleaf, Idaho. In the area of the proposed recycled water discharge points (shown on Figure 1), flow is maintained at around 200 cfs throughout the irrigation season (typically mid-April through mid-October). This flow is distributed through the PID service area via a system of laterals, ditches, drains, and pumps to provide water to agricultural and residential land and customers served by the Nampa and Caldwell irrigation utilities. The Phyllis Canal marks the southern and western borders of the PID service area. All the laterals in this area are on the north side of the...
Canal, and flow direction in the majority of laterals and drains is to the north and the west. A limited number of deliveries to individual customers are made off the south side of the canal.

At various points below Indian Creek, Phyllis Canal receives inputs from drains and tailwaters of conveyances operated by the Nampa Meridian Irrigation District and the Wilder Irrigation District. These inputs typically total between 65 and 75 cfs and are discussed in more detail in the text below. Receiving tailwater flows result in a changing out of water flowing through the Phyllis Canal such that the volume of water present at proposed recycled water discharge points has been replaced by the time the Phyllis Canal reaches Pipe Gulch Drain. At its terminus, between 2 and 4 cfs flow down a chute into Pipe Gulch Drain which flows (mostly) north into the West End Drain. The West End Drain ultimately discharges into the Riverside Canal.

The irrigation conveyances within PID’s jurisdiction are designed to distribute irrigation water to customers efficiently and reliably. Under typical operations, the demand for water is higher than the water volume available for delivery by the Phyllis Canal. The deficiency is typically made up from groundwater pumping and irrigation rotation. PID does have the ability to divert water to drains from the Phyllis Canal for flood control when it becomes too full due to stormwater runoff that has collected upstream. These diversion gates and interactions are shown in Figures 9 and 10 and Table 7-2. Figure 9 is a map of the PID service area focusing on the area of analysis. Figure 10 focuses on the upper half of the area of analysis to provide greater detail of irrigation conveyances and the proposed recycled water discharge locations.

The text below provides a detailed accounting for water delivery points and irrigation conveyances from the point at which Phyllis Canal crosses Indian Creek to where the Pipe Gulch (receiving water at the terminus of the Phyllis Canal) enters the Riverside Canal. Notes in the text correspond to locations on Figures 9 and 10 for ease of reference.

The Phyllis Canal crosses over Indian Creek [1] via a short aqueduct at a point approximately 400 feet due east from the intersection of 7th Avenue North and 2nd Street North in Nampa. PID has the ability at this intersection to divert water from Phyllis Canal to Indian Creek if excess exists at this point, or PID can pump water from Indian Creek (pumping capacity up to 20 cfs) into the Phyllis Canal to supplement irrigation supply at this point in the canal. The latter use is nearly consistent during irrigation season.

The area of proposed recycled water discharge locations [2] is less than 1 mile downstream from the Indian Creek crossing, between a point just upstream of the intersection of Northside Blvd and 2nd Street South to just south of the intersection of Caldwell Boulevard and West Orchard Ave. The first water delivery below the discharge is a small pump station [3] operated by PID (1 cfs) that provides water to about 50 acres on the southwest side of Caldwell Boulevard. The first major delivery is to the 15.0 Lateral [4] at approximately 32 cfs (slightly more than the maximum recycled water design flow) to serve 1,600 acres of developed and agricultural land within the City. This area includes more irrigable land than the PID irrigation system can deliver. The shortfall is made up by pumping from wells (two owned and operated by PID and other private wells operated by property owners as needed) and irrigation rotation.

The City has one pressurized irrigation (PI) pump station [5: Eaglecrest pump] located on the main branch of the 15.0 Lateral and another on the South Branch farther downstream [6: Moss Point pump]. A third Nampa PI pump station is situated along the Elijah Drain in close proximity to the South Branch pump station [7: Crestwood pump]. Another City PI pump station is situated just south of the intersection of West Moss Lane and Midway Road [8: Asbury Park pump]. The four Nampa-owned PI pump stations supply irrigation water for lawn watering in the surrounding subdivisions. The City of Caldwell also maintains a PI pump station at the end of the North Branch of the 15.0 Lateral [9], used to supply irrigation water for the same purposes. Each City-owned PI pump station
in the PID service area is capable of pumping 2 to 4 cfs. Consistently meeting water demand from the Nampa PI pump stations in this area is a perpetual challenge for the City’s irrigation utility. Customers reliant on water delivered from these four pump stations often experience low water pressures during peak hours.

Under current operations, a spill occurs somewhat regularly to the Moses Drain at the end of both the North [10] and South Branches [11] of 15.0 Lateral. The Moses Drain then conveys return flows to Indian Creek. The spill is a result of maintaining hydraulic head throughout the lateral to adequately fill water orders for customers near the end of the delivery laterals. To eliminate this spill, the City and PID plan to install an automated flow control system on both branches of 15.0 Lateral that is regulated by the City’s PI pump stations at locations 6, 7, and 8. Level sensors at the end of each branch will trigger the PI pump stations to turn on (or adjust pumping rates if already operating) to increase withdrawals from the lateral in the amounts necessary to maintain a no-spill condition at the end of each branch. Additional controls may be placed at the headgate to 15.0 lateral to provide further regulation of flows, which will prevent water from spilling into Moses Drain and subsequently, Indian Creek.

Approximately 1,000 feet downstream from the 15.0 Lateral are the Hatfield Lateral and the Horton Pump Station [12]. These typically both divert between 2 and 3 cfs to serve neighborhoods in the immediate vicinity. In the next 2 miles the Phyllis Canal crosses over the Elijah Drain [13] and the Joseph Drain [14] (which joins the Elijah approximately ½ mile downstream of this crossing). Both drains are piped under the Phyllis Canal. At the Elijah Drain crossing, PID has the ability to pump water from the Elijah Drain to the Phyllis Canal, as needed to supplement irrigation supply, at a rate up to 10 cfs. PID also operates a flood control gate at the Elijah Drain crossing that is used to regulate canal levels when runoff from exceptionally large storm events is collected upstream in the Phyllis Canal.

Just over 1 mile downstream from the Joseph Drain is the Isaiah Drain [15]. The Phyllis Canal has no plumbing connection to either drain. Between the two drains PID delivers water to another City PI pump station [16: Orchard Heights pump] and Stevens Lateral [17] (about 14 cfs). The Isaiah Drain joins the Elijah Drain about 3 miles north of the Phyllis Canal.

The Elijah feeder is situated along the Elijah Drain, with its gate [18] located approximately 750 ft north of the intersection of Midway Road and Moss Lane. The feeder diverts the majority of the Elijah Drain (leaving only about 1 cfs in the drain) and delivers the diverted water to Unit 1 of the Notus Canal [19] (described above). Below the feeder, Elijah Drain picks up flows from shallow groundwater and runoff from fields and joins the Wilson Drain about 1.25 miles downstream.

Approximately 1 mile downstream from the Elijah Drain crossing, the Phyllis Canal crosses over the Wilson Drain [20]. This crossing is also used as a flood control point to regulate flows in response to storm events that result in large volumes of stormwater runoff entering the canal. At the Wilson Drain crossing, PID has the ability to pump water from the Wilson Drain to the Phyllis Canal at a rate up to 15 cfs, as needed to supplement irrigation supply. About 14 cfs is diverted into Stone Lateral [21] from the Phyllis Canal between the Elijah Drain and the Wilson Drain.

Over the next 2 miles the Phyllis Canal delivers about 6 cfs to the McCarthy Lateral [22], then crosses over the Jonah Drain [23] and the Upper Embankment Drain [24]. There is no plumbing connection between the Phyllis Canal and the Jonah Drain. The farthest downstream Nampa PI pump station (Midway Park pump station) is installed just downstream of the Jonah Drain. The Upper Embankment Drain is used to regulate canal levels when runoff from exceptionally large storm events is collected upstream in the Phyllis Canal.
Just over 1.5 miles due north of where the Phyllis Canal crosses over the Upper Embankment Drain, flows from the Wilson Drain, Jonah Drain, and Upper Embankment Drain are diverted into the Caldwell Canal Feeder [25]. The feeder diverts the majority of Wilson Drain (leaving only about 1 cfs of flow in the drain) and delivers the water to a diversion [26] which sends a portion of the flow to the east, forming the Notus Canal, and the rest of the flow to the west to make the Caldwell Lowline Canal. Both Canals are described above. Below this point, the Wilson drain picks up flows from shallow groundwater and runoff from fields before finally flowing into Indian Creek approximately 0.25 mile southeast of the intersection of South 21st Street and South Georgia Avenue in Caldwell, Idaho [27].

Below the Wilson Drain crossing, the Phyllis Canal continues on for another 12 miles to a chute [28] located southwest of the intersection of Top Road and Lower Pleasant Ridge Road where between 1 and 4 cfs runs down into Pipe Gulch Drain. Over these 12 miles, the Phyllis Canal delivers water to 12 laterals. The largest diversion on this stretch is to 25.1 Lateral [29] at 26 cfs. The 11 smaller lateral diversions range from 0.8 to 7.2 cfs. A gate above the Bardsley Gulch Drain [30] creates a flood control point that can be used to regulate flows in response to storm events. In this final stretch, the Phyllis Canal also picks up about 50 cfs of water from drains and tailwaters of conveyances operated by the Nampa Meridian Irrigation District and the Wilder Irrigation District on the south side of the Phyllis Canal. The largest input is from the Deer Flat Canal [31], which consistently adds between 10 and 20 cfs.

All the drains situated in the lower reach of the Phyllis Canal, that is the area west of Wilson Drain, south of the Riverside Canal, and north of the Phyllis Canal, flow into the Riverside Canal. The majority of the drain flows, including Pipe Gulch Drain, get there by way of the West End Drain, which joins the Riverside Canal a mile north of Greenleaf [32].

Figures 9 and 10 provide overview maps of the PID service area focusing on the area of analysis. The maps’ numbered sites correspond with attributes discussed above, and a quick reference table is included on each figure. Table 7-2 lists the diversion flows and inputs along the Phyllis Canal downstream from the proposed recycled water discharge location.

<table>
<thead>
<tr>
<th>Diversion</th>
<th>Miner’s Inch</th>
<th>CFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual headgate deliveries (proposed recycled water discharge location to Smith Road)</td>
<td>(299.80)</td>
<td>(6.00)</td>
</tr>
<tr>
<td>15.0 Lateral</td>
<td>(1,587.87)</td>
<td>(31.76)</td>
</tr>
<tr>
<td>Hatfield Lateral</td>
<td>(112.69)</td>
<td>(2.25)</td>
</tr>
<tr>
<td>Pumping from Elijah Drain</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Wilde Lateral</td>
<td>(65.76)</td>
<td>(1.32)</td>
</tr>
<tr>
<td>Stevens Lateral</td>
<td>(692.54)</td>
<td>(13.85)</td>
</tr>
<tr>
<td>Stone Lateral</td>
<td>(689.90)</td>
<td>(13.80)</td>
</tr>
<tr>
<td>Pumping from Wilson Drain</td>
<td>-</td>
<td>15</td>
</tr>
<tr>
<td>Individual headgate deliveries (Smith Road to tail)</td>
<td>(3,170.21)</td>
<td>(63.40)</td>
</tr>
<tr>
<td>McCarthy Lateral</td>
<td>(297.14)</td>
<td>(5.94)</td>
</tr>
<tr>
<td>25.1 Lateral</td>
<td>(1,299.87)</td>
<td>(26.00)</td>
</tr>
<tr>
<td>Small returns from irrigated land on south side of Phyllis Canal</td>
<td>-</td>
<td>30–40</td>
</tr>
<tr>
<td>Lonkey Lateral</td>
<td>(91.37)</td>
<td>(1.83)</td>
</tr>
<tr>
<td>Mesler Lateral</td>
<td>(358.25)</td>
<td>(7.17)</td>
</tr>
</tbody>
</table>
### Table 7-2. Phyllis Canal Diversions and Inputs

<table>
<thead>
<tr>
<th>Diversion</th>
<th>Miner’s Inch</th>
<th>CFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas Lateral</td>
<td>(151.61)</td>
<td>(3.03)</td>
</tr>
<tr>
<td>Cowling Lateral</td>
<td>(40.67)</td>
<td>(0.81)</td>
</tr>
<tr>
<td>Torbett Lateral</td>
<td>(160.32)</td>
<td>(3.21)</td>
</tr>
<tr>
<td>Hitchcock Lateral</td>
<td>(86.79)</td>
<td>(1.74)</td>
</tr>
<tr>
<td>Smiley Lateral</td>
<td>(88.21)</td>
<td>(1.76)</td>
</tr>
<tr>
<td>Return flow from Deer Flat Canal</td>
<td>-</td>
<td>10–20</td>
</tr>
<tr>
<td>Fisher Lateral</td>
<td>(298.01)</td>
<td>(5.96)</td>
</tr>
<tr>
<td>Whittig Lateral</td>
<td>(186.00)</td>
<td>(3.72)</td>
</tr>
<tr>
<td>Talcott Lateral</td>
<td>(60.50)</td>
<td>(1.21)</td>
</tr>
<tr>
<td>Shelp Lateral</td>
<td>(161.50)</td>
<td>(3.23)</td>
</tr>
<tr>
<td>Pipe Gulch Laterals</td>
<td>(213.20)</td>
<td>(4.26)</td>
</tr>
<tr>
<td>Total diversions</td>
<td>(10,112.21)</td>
<td>(206.25)</td>
</tr>
<tr>
<td>Total inputs</td>
<td>-</td>
<td>65–75</td>
</tr>
</tbody>
</table>

1 Includes two City PI pump stations located in the Phyllis Canal.

#### 7.5.2 Influence on Nearby Surface Waters

This reuse project is expected to improve water quality in Indian Creek by removing the Nampa WWTP effluent discharge from an impaired reach of Indian Creek from May 1 through September 30 annually. Projected water quality impacts to Indian Creek are identified in Table 7-3. Projected water quality impacts use Indian Creek water quality data from 2012 as background conditions for the Creek. This is the same time period dataset used by the EPA to develop effluent limits for the City's wastewater NPDES permit and the Lower Boise River TMDL: 2015 Total Phosphorus Addendum. The full dataset is included in Appendix C.

### Table 7-3. Projected Indian Creek Impacts

<table>
<thead>
<tr>
<th></th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow (cfs)</td>
<td>85.9</td>
<td>69.1</td>
<td>68.9</td>
<td>71.4</td>
<td>97.2</td>
</tr>
<tr>
<td>TP load (lbs/day)</td>
<td>76</td>
<td>60</td>
<td>64</td>
<td>73</td>
<td>81</td>
</tr>
<tr>
<td>TN load (lbs/day)</td>
<td>2,450</td>
<td>2,783</td>
<td>2,550</td>
<td>2,794</td>
<td>2,929</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow (cfs)</td>
<td>54.9</td>
<td>38.1</td>
<td>37.9</td>
<td>40.4</td>
<td>66.2</td>
</tr>
<tr>
<td>TP load (lbs/day)</td>
<td>59</td>
<td>43</td>
<td>47</td>
<td>57</td>
<td>64</td>
</tr>
<tr>
<td>TN load (lbs/day)</td>
<td>778</td>
<td>1,111</td>
<td>878</td>
<td>1,122</td>
<td>1,257</td>
</tr>
<tr>
<td>TP load decrease (%)</td>
<td>-22%</td>
<td>-28%</td>
<td>-26%</td>
<td>-23%</td>
<td>-21%</td>
</tr>
<tr>
<td>TN load decrease (%)</td>
<td>-68%</td>
<td>-60%</td>
<td>-66%</td>
<td>-60%</td>
<td>-57%</td>
</tr>
</tbody>
</table>

1 With WWTP Effluent (Permit Condition) represents effluent flow of 31 cfs with 0.1 mg/l total phosphorus and 10 mg/l total nitrogen.

2 Without WWTP Effluent (Made possible by Reuse Permit) represents the background condition of Indian Creek (2012 data) with no effluent discharge.

TN = total nitrogen.

TP = total phosphorus.
Representative background water quality conditions were determined for Phyllis Canal by reviewing a historical dataset and conducting additional water quality monitoring. The dataset consists of water quality samples collected by the City throughout the irrigation season during 2007, 2008, and 2009 and another set of 19 samples collected near the end of the irrigation season in 2018. Results of water quality analyses conducted during each round of sampling are included in Appendix D. Monthly average concentrations for total dissolved solids (TDS), total nitrogen (TN), total phosphorus (TP), and temperature are shown in Table 7-4.

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Dissolved Solids (mg/L)</th>
<th>Total Nitrogen (mg/L)</th>
<th>Total Phosphorus (mg/L)</th>
<th>Temperature (°C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>138</td>
<td>1.43</td>
<td>.31</td>
<td>11.3</td>
</tr>
<tr>
<td>June</td>
<td>138</td>
<td>1.46</td>
<td>.25</td>
<td>13.7</td>
</tr>
<tr>
<td>July</td>
<td>138</td>
<td>1.51</td>
<td>.30</td>
<td>17.1</td>
</tr>
<tr>
<td>August</td>
<td>138</td>
<td>1.99</td>
<td>.32</td>
<td>17.3</td>
</tr>
<tr>
<td>September</td>
<td>138</td>
<td>1.59</td>
<td>.32</td>
<td>16.0</td>
</tr>
</tbody>
</table>

1 TDS concentrations are available for 2018 only and do not span the whole irrigation season.
3 TP concentrations are substantially higher in the dataset from 2007–2009 (average 0.30 mg/L) than in the dataset from 2018 (average 0.08). To simulate the highest phosphorus load that would be delivered to crops via canal water, monthly averages from 2007–2009 were used to represent background TP concentrations in Phyllis Canal.

Background water quality data and the proposed recycled water effluent concentrations were used in mixing calculations to determine the influence of discharging Class A recycled water to the Phyllis Canal. Under the proposed conditions of this recycled water reuse permit, the recycled water discharged to the canal will be treated to 700 mg/l for TDS, 30 mg/l for TN, and .35 mg/l for TP. Effluent will not be treated for temperature. Phyllis Canal background data and mixing scenarios for total dissolved solids, total nitrogen, total phosphorus, and temperature are shown in Tables 7-5 through 7-8.

<table>
<thead>
<tr>
<th>Table 7-5. Total Dissolved Solids Mixing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Background Phyllis Canal</strong></td>
</tr>
<tr>
<td>Flow (cfs) 1</td>
</tr>
<tr>
<td>TDS concentration (mg/L)</td>
</tr>
<tr>
<td><strong>Class A Recycled Water from WWTP</strong></td>
</tr>
<tr>
<td>Flow 2 (cfs)</td>
</tr>
<tr>
<td>TDS concentration (mg/L)</td>
</tr>
<tr>
<td><strong>Phyllis Canal after Recycled Water Mixing</strong></td>
</tr>
<tr>
<td>Flow (cfs)</td>
</tr>
<tr>
<td>TDS concentration (mg/L)</td>
</tr>
</tbody>
</table>

1 200 cfs is the typical target flow rate in the canal along the proposed recycled water discharge reach when fully operational.
2 31 cfs is the planned maximum design flow.
### Table 7-6. Total Nitrogen Mixing

<table>
<thead>
<tr>
<th></th>
<th>Background Phyllis Canal</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>May</td>
<td>June</td>
<td>July</td>
<td>August</td>
<td>September</td>
</tr>
<tr>
<td>Flow (^1) (cfs)</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>TN concentration (mg/l)</td>
<td>1.43</td>
<td>1.46</td>
<td>1.51</td>
<td>1.99</td>
<td>1.59</td>
</tr>
<tr>
<td>Daily load (lbs)</td>
<td>1,542</td>
<td>1,575</td>
<td>1,629</td>
<td>2,146</td>
<td>1,715</td>
</tr>
</tbody>
</table>

**Class A Recycled Water from WWTP**

|                        |                              |                              |                              |                              |                              |
|                        | Flow \(^2\) (cfs)            | 31                           | 31                           | 31                           | 31                           |
| TN concentration (mg/l)| 30                         | 30                           | 30                           | 30                           | 30                           |

**Phyllis Canal after Recycled Water Mixing**

|                        |                              |                              |                              |                              |                              |
|                        | Flow (cfs)                  | 231                          | 231                          | 231                          | 231                          |
| TN concentration (mg/l)| 5.26                       | 5.29                         | 5.33                         | 5.75                         | 5.40                         |
| Daily load (lbs)       | 6,557                      | 6,589                        | 6,643                        | 7,161                        | 6,730                        |

\(^1\) 200 cfs is the typical target flow rate in the canal along the proposed recycled water discharge reach when fully operational.  
\(^2\) 31 cfs is the planned maximum design flow.

### Table 7-7. Total Phosphorus Mixing

<table>
<thead>
<tr>
<th></th>
<th>Background Phyllis Canal</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>May</td>
<td>June</td>
<td>July</td>
<td>August</td>
<td>September</td>
</tr>
<tr>
<td>Flow (^1) (cfs)</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>TP concentration (mg/L)</td>
<td>0.31</td>
<td>0.25</td>
<td>0.30</td>
<td>0.32</td>
<td>0.32</td>
</tr>
<tr>
<td>Daily load (lbs)</td>
<td>337.6</td>
<td>271.8</td>
<td>327.9</td>
<td>340.8</td>
<td>343.0</td>
</tr>
</tbody>
</table>

**Class A Recycled Water from WWTP**

|                        |                              |                              |                              |                              |                              |
|                        | Flow \(^2\) (cfs)            | 31                           | 31                           | 31                           | 31                           |
| TP concentration (mg/L)| 0.35         | 0.35            | 0.35            | 0.35            | 0.35            |
| Daily load (lbs)       | 58.5          | 58.5            | 58.5            | 58.5            | 58.5            |

**Phyllis Canal after Recycled Water Mixing**

|                        |                              |                              |                              |                              |                              |
|                        | Flow (cfs)                  | 231                          | 231                          | 231                          | 231                          |
| TP concentration (mg/L)| 0.32         | 0.27             | 0.31            | 0.32            | 0.32            |
| Daily load (lbs)       | 396.1         | 330.3           | 386.4           | 399.3           | 401.5           |

\(^1\) 200 cfs is the typical target flow rate in the canal along the proposed recycled water discharge reach when fully operational.  
\(^2\) 31 cfs is the planned maximum design flow.
7.6 Groundwater

The area of analysis is located within the Treasure Valley aquifer system, a sedimentary aquifer located in a complex series of interbedded, tilted, faulted, and eroded sediments up to 6,000 ft deep. The aquifer contains a shallow flow system composed of sand and gravel (Terrace Gravels of the Boise River) and a deep regional flow system composed of fine sand, silt, and gravel found in the Glenns Ferry Formation. The shallow system extends to approximately 250 feet below ground surface (ft bgs). The deep regional system is often separated from the shallow system by a blue or grey clay that commonly shows up in well drillers’ reports throughout the valley. The deep aquifer system is confined or semi-confined and extends below 250 ft bgs (Cosgrove and Taylor, 2007).

7.6.1 Groundwater in the Area of Analysis

Depth to groundwater across the area of analysis is relatively shallow and typically ranges from 5 to 35 ft bgs. Groundwater flow is generally to the west or northwest. Recharge to the shallow aquifer system occurs from canal seepage, irrigation infiltration, and stream channel losses. Discharge from the shallow aquifer often occurs at drains or streams in the area. Recharge to the deep regional flow system occurs in the eastern part of the Treasure Valley, and some recharge enters as underflow from the Boise Foothills to the north. Regional flow is believed to discharge primarily to the Boise or Snake Rivers west of the area. Groundwater residence times range from days to tens of years in the shallow system to hundreds to tens of thousands of years in the deep regional system (IDWR, 2001).

Groundwater quality within the Treasure Valley is generally good, and groundwater is usually safe for human consumption. Nitrate, bacteria, arsenic, fluoride, gross alpha, radon, and uranium are the main constituents that are found to exceed Maximum Contaminant Levels in the valley. Arsenic, uranium, and nitrate have been detected in exceedance of the Maximum Contaminant Levels throughout Nampa. As a result, much of the area of analysis is located within a Nitrate Priority Area (IDEQ, 2016).

Many wells including municipal, domestic, irrigation, and injection wells are located within the area of analysis. Municipal drinking water supply wells are shown on Figures 9 and 10. Table 7-9 describes minimum distances these public supply wells need to be from various sites according to IDAPA 58.01.08 – Idaho Rules for Public Drinking Water Systems. Nampa’s drinking water wells adhere to these requirements thus far. This permit would contribute recycled water to irrigation conveyances within a safe buffer from drinking water wells. The 15.0 Lateral is the closest lateral off the Phyllis Canal to these two wells, with distances of 500 ft and 2,500 ft. One of the wells is 200 ft

Table 7-8. Temperature Mixing

<table>
<thead>
<tr>
<th></th>
<th>Background Phyllis Canal</th>
<th>Class A Recycled Water from WWTP</th>
<th>Phyllis Canal after Recycled Water Mixing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>May</td>
<td>June</td>
<td>July</td>
</tr>
<tr>
<td></td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
</tbody>
</table>

1 200 cfs is the typical target flow rate in the canal along the proposed recycled water discharge reach when fully operational.

2 31 cfs is the planned maximum design flow.
from the Elijah Drain, which can receive flood control flows from the Phyllis Canal in response to large precipitation events.

<table>
<thead>
<tr>
<th>Table 7-9. Minimum Distances from a Public Water System Well ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gravity Wastewater Line</td>
</tr>
<tr>
<td>Any potential source of contamination</td>
</tr>
<tr>
<td>Pressure wastewater line</td>
</tr>
<tr>
<td>Class A Municipal Reclaimed Wastewater Pressure Distribution line</td>
</tr>
<tr>
<td>Individual home septic tank</td>
</tr>
<tr>
<td>Individual home disposal field</td>
</tr>
<tr>
<td>Individual home seepage pit</td>
</tr>
<tr>
<td>Privies</td>
</tr>
<tr>
<td>Livestock</td>
</tr>
<tr>
<td>Drainfield: standard subsurface disposal module</td>
</tr>
<tr>
<td>Absorption module: large soil absorption system</td>
</tr>
<tr>
<td>Canals, streams, ditches, lakes, ponds, and tanks used to store non-potable substances</td>
</tr>
<tr>
<td>Storm water facilities disposing storm water originating off the well lot</td>
</tr>
<tr>
<td>Municipal or industrial wastewater treatment plant</td>
</tr>
<tr>
<td>Reclamation and reuse of municipal and industrial wastewater sites</td>
</tr>
<tr>
<td>Biosolids application site</td>
</tr>
</tbody>
</table>

¹ IDAPA 58.01.08.900.

7.6.2 Modelled Impacts on Groundwater Quality

Section 8 describes reuse site loading rates and demonstrates that constituents in the recycled water discharged to the canal are not anticipated to exceed crop uptake rates in the areas irrigated by the Phyllis Canal. Therefore, the only significant pathway for groundwater constituents of concern (nitrogen and total dissolved solids) is through seepage from the bottom of the Phyllis Canal. To better understand the impacts that canal seepage (with the water quality described in Section 7.5.2) may have on groundwater, the City completed a modeling analysis that identifies the range of anticipated impacts.

As discussed in Section 7.5 the flow and water quality conditions in the Phyllis Canal begin to change quickly with distance from the recycled water discharge location due to diversions and inputs into the canal from drains and tailwaters. Therefore, the City set up IDEQ’s Water Reuse/Land Treatment System model to represent conditions in the shallow aquifer below the Phyllis Canal in the area of analysis, focusing specifically on the area just downstream of the recycled water discharge location. A series of iterations were completed to identify model sensitivity to critical variables as well as the range of likely groundwater mixing scenarios based on conditions in and around the area of analysis. A detailed description of modeling activities is included in Appendix E.

Well logs and geological maps in the area of analysis were reviewed to assist with determining model domains and hydrogeologic inputs to the model including hydraulic conductivity, hydraulic gradient, aquifer material, aquifer porosity, and aquifer thickness. Model domains, well locations, local geology, and representative well logs are shown on Figure 11.
Background groundwater quality was determined with analyte data contained in the State of Idaho’s Environmental Data Management System. Wells were identified in the vicinity of anticipated impact and included wells directly upgradient of the Class A Recycled water discharge location (Figure 11). Well and analyte data was filtered to include only wells in the shallow aquifer (85 feet or less) and a water quality sampling date within the past 10 years. Background analyte concentration is a model input and is calculated as the average of the filtered data.

The Groundwater Contaminant Transport model results in a vertical and lateral dilution of background groundwater concentration for nitrate and TDS. This is the expected result because percolate concentration is less than background groundwater concentration for both constituents. Sensitivity analysis of uncertain input parameters modified the spatial extent of dilution but in all cases, dilution was in the near field with increasing concentrations to background level at distance.
Reusing Site Loading Rates

8.1 Tracking of Recycled Water and Irrigation

Recycled water discharged to the Phyllis Canal will be monitored and recorded using automated in-pipe flow monitoring equipment. Data is recorded and stored on secure City servers and will be used to meet analysis and reporting requirements.

8.2 Design and Loading Rates

The area of analysis covers approximately 21,000 acres throughout the Nampa area. Of the total area, approximately 17,000 acres use irrigation water from Phyllis Canal and its distribution system of pumps and laterals. The land use in this area ranges from highly developed/urbanized properties to diverse agricultural fields with crops ranging from alfalfa to beans and mixed vegetables.

To review the potential impact from land application of the canal water system, the study subdivided the total area into a smaller 3,300-acre area located above the Wilson Drain. This 3,300-acre sample area includes the acreages served by deliveries from the Phyllis Canal from the recycled water discharge location down to the Wilson Drain. The sample area best represents the use of the Phyllis Canal/recycled water mixture without tailwaters and minimal pump back from drains. The sample area was subdivided based on geographic information system data into land use categories, and agricultural land was further subdivided by crop use type as shown in Table 8-1.

<table>
<thead>
<tr>
<th>Land Use/Crop Type</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed/open space</td>
<td>1,070.6</td>
</tr>
<tr>
<td>Developed/low intensity</td>
<td>725</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>260.6</td>
</tr>
<tr>
<td>Grass/pasture</td>
<td>214.8</td>
</tr>
<tr>
<td>Developed/medium intensity</td>
<td>193.7</td>
</tr>
<tr>
<td>Winter wheat</td>
<td>193</td>
</tr>
<tr>
<td>Dry beans</td>
<td>102.1</td>
</tr>
<tr>
<td>Peas</td>
<td>91.4</td>
</tr>
<tr>
<td>Corn</td>
<td>81.8</td>
</tr>
<tr>
<td>Sugar beets</td>
<td>64</td>
</tr>
<tr>
<td>Developed/high intensity</td>
<td>52</td>
</tr>
<tr>
<td>Fallow/idle cropland</td>
<td>48</td>
</tr>
<tr>
<td>Other hay/non-alfalfa</td>
<td>41.6</td>
</tr>
<tr>
<td>Other: sum of all acres under 40</td>
<td>173</td>
</tr>
</tbody>
</table>

Table 8-1. Land Use Acreage in Sample Area
Table 8-1. Land Use Acreage in Sample Area

<table>
<thead>
<tr>
<th>Land Use/Crop Type</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total acreage</td>
<td>3,311.6</td>
</tr>
</tbody>
</table>


1 Irrigation acreage reduced by 50% for loading analysis.
2 Irrigation acreage reduced by 60% for loading analysis.
3 Irrigation acreage reduced by 70% for loading analysis.
4 Irrigation acreage reduced by 80% for loading analysis.

This land use data was used to develop the Irrigation Water Requirement (IWR), which in turn was used to estimate hydraulic and constituent loading rates. IWR calculations are described in detail in Appendix F.

The IWR was calculated based on the following equation:

\[ \text{IWR} = \frac{\text{IR}_{\text{net}}}{E_i} \]

Where

- \( \text{IWR} \) = irrigation water requirement
- \( \text{IR}_{\text{net}} \) = net irrigation requirement
- \( E_i \) = irrigation efficiency

The net irrigation water requirement calculations used data supplied by the Kimberly Research Institute for individual crops that are typically grown in the area and were used to develop individual IWRs for each subdivided land area and land use or crop. To continue the conservative analysis approach, acreage for developed land uses was reduced by 50–80 percent to account for the comparatively smaller percentage of land that is composed of lawns and landscaping.

The IWR sets the basis for hydraulic loading on the land application area and the expected volume of water to be applied for constituent loading calculations. The IWR represents the amount of irrigation that should be applied to a specific crop over the growing season to substantially meet this requirement.

A summary of the IWR for the 3,300-acre sample area is provided below.

Table 8-2. IWR Sample Area

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Required (million gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>439</td>
</tr>
<tr>
<td>May</td>
<td>667</td>
</tr>
<tr>
<td>June</td>
<td>864</td>
</tr>
<tr>
<td>July</td>
<td>1,094</td>
</tr>
<tr>
<td>August</td>
<td>947</td>
</tr>
<tr>
<td>September</td>
<td>619</td>
</tr>
<tr>
<td>October</td>
<td>340</td>
</tr>
<tr>
<td>Total growing season</td>
<td>4,408</td>
</tr>
</tbody>
</table>
Constituent loading rates were calculated using the IWR and the blended canal water quality data for TN and TP found in Tables 7-6 and 7-7, respectively. The loading rates are calculated using the following equation:

\[ M = \frac{Q \times C \times k}{A} \]

Where

- \( M \) = mass of constituent applied per area (lb/ac-gs)
- \( Q \) = flow rate (MG/gs)
- \( C \) = constituent concentration (mg/l)
- \( A \) = unit area (ac)
- \( K \) = unit conversion from mg/l to lbs/MG (1 mg/l = 8.34 lb/MG)

A monthly summary of the daily constituent loading rates is provided in Table 8-3. Even though Class A recycled water is only schedule to be discharged to the Phyllis Canal from May–September, loading rates were calculated for the entire growing season to provide a complete picture of impacts if recycled water were applied for the entire growing season.

<table>
<thead>
<tr>
<th>Month</th>
<th>TN (lbs/day)</th>
<th>TP (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>371</td>
<td>23</td>
</tr>
<tr>
<td>May</td>
<td>557</td>
<td>34</td>
</tr>
<tr>
<td>June</td>
<td>773</td>
<td>39</td>
</tr>
<tr>
<td>July</td>
<td>962</td>
<td>56</td>
</tr>
<tr>
<td>August</td>
<td>890</td>
<td>50</td>
</tr>
<tr>
<td>Sept</td>
<td>546</td>
<td>32</td>
</tr>
<tr>
<td>Oct</td>
<td>272</td>
<td>16</td>
</tr>
</tbody>
</table>

2 Average day.

2 Loading rates calculated using Phyllis Canal concentrations for May.

3 Loading rates calculated using Phyllis Canal concentrations for September.

Table 8-4 provides a summary of the expected IWR and expected TN loading for each month during the growing season.
### Table 8-4. Expected IWR, Total Nitrogen, and Total Phosphorus by Month

<table>
<thead>
<tr>
<th>Month</th>
<th>IWR (total) MG</th>
<th>Land Applied Area (total) Acres¹</th>
<th>TN Load lbs/month</th>
<th>TP Load lbs/month</th>
<th>TN lbs/acre/month</th>
<th>TP lbs/acre/month</th>
</tr>
</thead>
<tbody>
<tr>
<td>April ²</td>
<td>254</td>
<td>2,116</td>
<td>11,135</td>
<td>677</td>
<td>5.26</td>
<td>0.32</td>
</tr>
<tr>
<td>May</td>
<td>393</td>
<td>2,116</td>
<td>17,254</td>
<td>1,050</td>
<td>8.15</td>
<td>0.50</td>
</tr>
<tr>
<td>June</td>
<td>526</td>
<td>2,116</td>
<td>23,195</td>
<td>1,184</td>
<td>10.96</td>
<td>0.56</td>
</tr>
<tr>
<td>July</td>
<td>671</td>
<td>2,116</td>
<td>29,830</td>
<td>1,735</td>
<td>14.10</td>
<td>0.82</td>
</tr>
<tr>
<td>August</td>
<td>575</td>
<td>2,116</td>
<td>27,586</td>
<td>1,535</td>
<td>13.04</td>
<td>0.73</td>
</tr>
<tr>
<td>Sept</td>
<td>363</td>
<td>2,116</td>
<td>16,368</td>
<td>970</td>
<td>7.73</td>
<td>0.46</td>
</tr>
<tr>
<td>October³</td>
<td>187</td>
<td>2,116</td>
<td>8,443</td>
<td>500</td>
<td>3.99</td>
<td>0.24</td>
</tr>
<tr>
<td>Total GS</td>
<td>2,970</td>
<td>-</td>
<td>133,811</td>
<td>7,651</td>
<td>9.03 ³</td>
<td>0.52 ³</td>
</tr>
</tbody>
</table>

¹ Land applied area includes only assumed vegetated percentage of land within the 3,300-acre sample area described above.
² Loads calculated using Phyllis Canal concentrations for May.
³ Loads calculated using Phyllis Canal concentrations for September.
⁴ Value represents average load per acre.

The IWR and constituent loading rates are conservative as they only account for a small portion of the total area that is irrigated by PID.

### 8.3 Irrigation Scheduling Methods

Irrigation water is typically supplied to the area of analysis from April through October. Class A recycled water is scheduled to be discharged to the Phyllis Canal at a rate up to 31 cfs from May 1 through September 30 each year.

### 8.4 Source(s) of Supplemental Irrigation Water

Supplemental irrigation water considerations are not applicable for this project.

### 8.5 Water Rights Documentation

There will be no supplemental water used for irrigation or mixing purposes as part of this project.

### 8.6 Monthly Water Balances

There are no storage lagoons or ponds associated with this project. An overview of the monthly water balance for the Phyllis Canal and the area of analysis is described below.

The PID currently delivers approximately 12,000 acre feet of irrigation water per month to customers in the service area downstream from the proposed recycled water discharge location. This volume corresponds to an average approximate flow rate of 200 cfs in the Phyllis Canal at the discharge location. This water is distributed to irrigated lands through laterals, direct diversions, and pumps. Water orders change every day.

The additional water in the system may be balanced using various methods throughout the irrigation season depending on growing season temperatures and precipitation, storage water availability, fluctuations in water orders, and changes in drainage flows entering the Phyllis Canal from...
upgradient irrigation users and surface waters. To operate the irrigation system efficiently, PID maintains only as much flow as is needed to deliver water up to the last customers on each ditch or lateral. The primary locations PID will use to regulate flow in the canal to maintain operational flows and avoid spillback are both located upstream from the discharge point. PID can control flow in the canal by diverting more or less water from the Five Mile Creek feeder and by pumping more or less water from Indian Creek. This method of operation mitigates risk of the addition of recycled water resulting in excess water in the system.

### 8.7 Facility Calculations and Management of Loading Rates

Loading rates are the result of mixing the Class A Recycled water discharged from the Nampa WWTP and the background concentrations in Phyllis Canal. With design flows up to 31 cfs, the Class A recycled water will make up approximately 15 percent of the Phyllis Canal flow at the discharge point. Considering the end of the discharge pipe as the point of compliance and the approximately 17,000 acres of PID service area downstream from the discharge location, constituent loading is not anticipated to exceed agronomic uptake rates of crops in the PID service area.

Table 8-5 below provides the design effluent concentrations of relevant constituents.

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Design Effluent Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH</td>
<td>6.0–9.0 S.U.</td>
</tr>
<tr>
<td>BOD-5 day</td>
<td>10 mg/l</td>
</tr>
<tr>
<td>Total coliform</td>
<td>7-day median: 2.2 MPN/100 ml</td>
</tr>
<tr>
<td></td>
<td>Max single sample: 23 MPN/100 ml</td>
</tr>
<tr>
<td>Turbidity</td>
<td>For filtration by cloth or sand/granular media:</td>
</tr>
<tr>
<td></td>
<td>Daily mean: ≤ 2 NTU</td>
</tr>
<tr>
<td></td>
<td>Instantaneous max: ≤ 5 NTU</td>
</tr>
<tr>
<td></td>
<td>For membrane filtration*:</td>
</tr>
<tr>
<td></td>
<td>Daily mean: ≤ 0.2 NTU</td>
</tr>
<tr>
<td></td>
<td>Instantaneous max: ≤ 0.5 NTU</td>
</tr>
<tr>
<td></td>
<td>*To be met prior to disinfection.</td>
</tr>
<tr>
<td>Total nitrogen</td>
<td>30 mg/L (max month: 5.75 mg/L in Phyllis Canal after mixing)</td>
</tr>
<tr>
<td>Total phosphorus</td>
<td>0.35 mg/L (max month: 0.32 mg/L in Phyllis Canal after mixing)</td>
</tr>
<tr>
<td>Total dissolved solids</td>
<td>700 mg/l (max month: 213 mg/L in Phyllis Canal after mixing)</td>
</tr>
<tr>
<td>Total suspended solids</td>
<td>30 mg/l</td>
</tr>
</tbody>
</table>

*MPN = most probable number.
NTU = Nephelometric Turbidity Units.
S.U. = standard unit.

### 8.8 Land Limiting Constituent

Considering the end of the discharge pipe as the point of compliance and the approximately 17,000 acres of PID service area downstream from the discharge point, constituent or hydraulic loading is not anticipated to exceed agronomic uptake rates of crops in the PID service area.

Applying fertilizers is a common practice within the area of analysis. The addition of Class A recycled water from the Nampa WWTP is expected to elevate nutrient levels in Phyllis Canal, which could reduce the amount of fertilizer addition required by irrigators. The City and PID will partner to
educate water users in the PID service area downstream of the recycled water discharge location about the existing nutrient levels in the Phyllis Canal and the nutrient levels expected with the addition of the recycled water.

To determine the land limiting constituent, this analysis used the loading rates and land area described in section 8.2. above. The calculated loading rates were compared against typical crop uptake rates, which were found through an online literature review. These crop uptake rates are included in Table 8-6 below. More detailed calculations can be found in Appendix F.

<table>
<thead>
<tr>
<th>Type</th>
<th>TN (lbs/acre/gs)</th>
<th>TP (lbs/acre/gs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turf grass</td>
<td>225</td>
<td>31</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>554</td>
<td>51</td>
</tr>
<tr>
<td>Grass pasture</td>
<td>109</td>
<td>12</td>
</tr>
<tr>
<td>Winter wheat</td>
<td>97</td>
<td>18</td>
</tr>
<tr>
<td>Beans</td>
<td>380</td>
<td>48</td>
</tr>
<tr>
<td>Peas</td>
<td>93</td>
<td>11</td>
</tr>
<tr>
<td>Corn</td>
<td>133</td>
<td>25</td>
</tr>
<tr>
<td>Sugar beets</td>
<td>158</td>
<td>28</td>
</tr>
<tr>
<td>Grass hay</td>
<td>108</td>
<td>15</td>
</tr>
<tr>
<td>Vegetables</td>
<td>127</td>
<td>13</td>
</tr>
</tbody>
</table>

A comparison of the loading rates and crop uptake rates for sample crops is provided below in Table 8-6. This table compares the loading rates discussed in section 8.2 against the standard crop uptake rates listed above. The table indicates that constituent loading for TN and TP is anticipated to be well below typical crop uptake rates. As constituent loading rates relate to crop uptake rates and the beneficial use of the Phyllis Canal as irrigation water, the results in Table 8-7 indicate that there is substantial additional capacity in the area of analysis for TN and TP beyond the requested effluent limits.

<table>
<thead>
<tr>
<th>Type</th>
<th>TN</th>
<th>TP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turf grass</td>
<td>30%</td>
<td>12%</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>12%</td>
<td>7%</td>
</tr>
<tr>
<td>Grass pasture</td>
<td>62%</td>
<td>27%</td>
</tr>
<tr>
<td>Winter wheat</td>
<td>69%</td>
<td>21%</td>
</tr>
<tr>
<td>Beans</td>
<td>18%</td>
<td>8%</td>
</tr>
<tr>
<td>Peas</td>
<td>72%</td>
<td>34%</td>
</tr>
<tr>
<td>Corn</td>
<td>51%</td>
<td>15%</td>
</tr>
<tr>
<td>Sugar beets</td>
<td>43%</td>
<td>13%</td>
</tr>
<tr>
<td>Grass hay</td>
<td>62%</td>
<td>25%</td>
</tr>
<tr>
<td>Vegetables</td>
<td>53%</td>
<td>29%</td>
</tr>
</tbody>
</table>
Section 9

Reuse Site Vegetation

9.1 Cropped Sites

The Pioneer Irrigation District serves over 34,000 acres of land in Canyon and Ada Counties. The area of analysis included in this report encompasses a total of approximately 21,500 acres. Of this area, approximately 17,000 acres are irrigated by PID water. The total area is split almost evenly between developed and agricultural land. Table 9-1 displays crop acreage totals in the area of analysis. Developed land accounts for 10,692 acres and is divided between high density, medium density, low density, and areas of open developed space. In Figure 12, developed land is denoted by shades of red. Alfalfa, corn, winter wheat, and dry beans are the top four crops by acreage, together totaling another 6,036 acres. Grass and pasture, such as grazing fields make up 2,528 acres. Table 9-2 displays expected nutrient uptake and irrigation requirements of top acreage crops.

<table>
<thead>
<tr>
<th>Crop/Land Type</th>
<th>Acres</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed/open space</td>
<td>5,336.4</td>
<td>25%</td>
</tr>
<tr>
<td>Developed/low intensity</td>
<td>3,986.6</td>
<td>19%</td>
</tr>
<tr>
<td>Developed/medium intensity</td>
<td>1,168.9</td>
<td>5%</td>
</tr>
<tr>
<td>Developed/high intensity</td>
<td>199.9</td>
<td>1%</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>2,985.0</td>
<td>14%</td>
</tr>
<tr>
<td>Grass/pasture</td>
<td>2,528.0</td>
<td>12%</td>
</tr>
<tr>
<td>Corn</td>
<td>1,458.5</td>
<td>7%</td>
</tr>
<tr>
<td>Winter wheat</td>
<td>878.5</td>
<td>4%</td>
</tr>
<tr>
<td>Dry beans</td>
<td>714.3</td>
<td>3%</td>
</tr>
<tr>
<td>Sugar beets</td>
<td>543.5</td>
<td>3%</td>
</tr>
<tr>
<td>Onions</td>
<td>376.7</td>
<td>2%</td>
</tr>
<tr>
<td>Herbs</td>
<td>346.5</td>
<td>2%</td>
</tr>
<tr>
<td>Fallow/idle cropland</td>
<td>294.2</td>
<td>1%</td>
</tr>
<tr>
<td>Peas</td>
<td>248.4</td>
<td>1%</td>
</tr>
<tr>
<td>Shrubland</td>
<td>232.4</td>
<td>1%</td>
</tr>
<tr>
<td>Other hay/non-alfalfa</td>
<td>192.4</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>21,490</td>
<td>100%</td>
</tr>
</tbody>
</table>

9.2 Forest and Native Vegetation

There is no forested area within the area of analysis. There is a small amount of uncultivated or fallow land. No irrigation water from the PID system is applied to acreages of fallow or uncultivated lands.

<table>
<thead>
<tr>
<th>Crop/Land Type</th>
<th>Total Nitrogen Uptake (^1) (lb/acre/growing season)</th>
<th>Irrigation Water Requirement (^2) (mm/growing season)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed/turf grass</td>
<td>220</td>
<td>1,000</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>406</td>
<td>1,200</td>
</tr>
<tr>
<td>Grass/pasture</td>
<td>150</td>
<td>800</td>
</tr>
<tr>
<td>Corn</td>
<td>172</td>
<td>600</td>
</tr>
<tr>
<td>Winter wheat</td>
<td>57</td>
<td>500</td>
</tr>
<tr>
<td>Dry beans</td>
<td>67</td>
<td>420</td>
</tr>
</tbody>
</table>

\(^1\) Nutrient uptake estimates were calculated using NASS, 2017

\(^2\) Source: Allen and Robison, 2012. Additional discussion in Section 8.2
Section 10

Reuse Site Management

10.1 Site Management History
The area of analysis includes rural acreage, subdivisions, and portions of the municipalities of the cities of Nampa and Caldwell. As the population of Canyon County grows, land uses in the area of analysis are increasingly changed from agricultural to urban/residential. As residential subdivisions are developed in the PID service area many of them install pressurized irrigation systems to supply water to residents for the primary purpose of landscape irrigation. PID has provided service to this area since 1901.

10.2 Site Management Plans
Site management plans included in this application are limited to activities conducted at the Nampa WWTP and activities associated with the piping and appurtenances located at the discharge point to Phyllis Canal. Management plan considerations are described below.

10.2.1 Buffer Zone Plan
The City is requesting authorization to discharge Class A recycled water only. Therefore, buffer zones are not required for this project.

10.2.2 Grazing Management
There are approximately 2,500 acres of grass and pasture within the area of analysis. The activities identified in the City’s operations are not anticipated to have any impact on grazing activities, rotation, or time of year.

10.2.3 Nuisance Management
The actual discharge of Class A recycled water to the Phyllis Canal is not anticipated to result in excess noise, odor, overspray, or other nuisance conditions. The City will undertake a public outreach campaign to educate neighbors close to the discharge pipe about the project. The City will also post signage with contact information for nuisance complaints or emergency situations.

Nuisance odors at WWTPs are primarily due to influent flows and large open tanks early in the treatment process such as clarifiers, lagoons, aeration basins, and filters. The Nampa WWTP has several planned improvements to the overall treatment process that will result in lower odor than other WWTP designs. Lagoons are absent from the WWTP process and trickling filters are odor contributors that will be demolished as part of Phase 2 construction at the treatment plant. Other potentially odorous elements of the plant are housed in covered structures such as the centrate tank, wet well from solids handling, headworks operations, and solids handling. Class B biosolids that are produced in Nampa also have lower odor due to higher volatile solids reduction.

Discharged waters have been treated extensively through the WWTP process. By the time waters are discharged from the plant they are relatively free from odor. Minor chlorine odors from residual disinfection are possible but unlikely and minimal.
10.2.4 Waste Solids Management

In the treatment process, waste activated sludge is pumped through two thickening feed pumps to three rotary drum thickeners after the addition of polymer for more efficient thickening. The thickened waste activated sludge is pumped to four primary anaerobic digesters along with the primary sludge. The digested sludge is then stored in three secondary anaerobic digesters. Polymer is added to the sludge prior to dewatering using centrifuges. The centrate is sent to a centrate storage tank, combined with the filtrate from the rotary drum thickeners, and mixed with ferrous chloride for control of hydrogen sulfide odors prior to being pumped back to headworks. Dewatered biosolids are stored on site in sludge drying beds prior to landfill disposal. Collected screenings and grit are also landfilled. This process is summarized in Figure 7.

10.2.5 Nonvolatile Dissolved Solids (Total Dissolved Solids)

Total dissolved solids concentrations in the recycled water will be around 700 mg/L. When mixed with water in the canal, which is approximately 135 mg/L on average, the concentration is expected to decrease to 211 mg/L. Guidance for TDS in irrigation water typically places the lower threshold for impacts to crops between 450 mg/l and 750 mg/l (Ayers, 1977, Ayers and Westcott, 1994, US BOR, 2003). Therefore, TDS in the recycled water should have no impact on crops, once mixed with the water in the canal, as described in Section 7.5.

10.2.6 Runoff Management

The cities of Nampa and Caldwell both have irrigation utilities that provide water for irrigation to their utility customers. These utilities regularly provide information to their customers regarding water conservation and efficient water usage practices including avoiding overwatering that may result in excess runoff from the urban area. Excess irrigation water that does flow off properties may likely enter the cities’ Municipal Separate Storm Sewer Systems (MS4s). Each MS4 conveys stormwater runoff and other surface runoff through a system of storm drain pipes that discharge to natural waterways such as Indian Creek and Mason Creek, as well as to irrigation conveyances, the majority of which are owned and operated by PID. Irrigation runoff is considered an allowable non-stormwater discharge in both cities’ NPDES MS4 permits. Public education and outreach programs required by the MS4 permits include information about avoiding overwatering and overspray, as well as proper application and storage of chemicals such as fertilizers and pesticides.

Outside of the MS4 areas, PID actively manages water deliveries to run the irrigation system efficiently, maintaining only as much flow as is needed to deliver water up to the last customers on each ditch or lateral. This practice acts to mitigate excess spills and tailwater runoff from fields. However, tailwater runoff is often collected in drains or ditches for further use in deliveries downstream. As an example, approximately 10,000 acres of the Black Canyon Irrigation District is served by the Notus Canal, which begins within the PID service area and is made up entirely of diverted flow from the Wilson Drain. As described in Section 8.6, PID will balance diversions upstream of the recycled water discharge point to avoid excess water in the system below the discharge point.
Section 11

Quality Assurance Project Plan

Following permit issuance, and prior to discharging recycled water to the Phyllis Canal, the City will develop a Quality Assurance Project Plan to assist in planning for collection, analysis, and reporting of monitoring data in support of the permit. The Quality Assurance Project Plan will include the following information:

- Number of measurements, number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection, and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements
- Maps indicating the location of each monitoring and sampling point
- Personnel qualification and training
- Names, addresses, and telephone numbers of the laboratories the City will use
- Example formats and tables that the City will use to summarize and present all data in the annual report
Section 12

Monitoring Activities

Recycled water monitoring will occur at the discharge point to Phyllis Canal. Monitoring is anticipated to include continuous automated flow monitoring and water quality monitoring for target constituents identified in the permit.

Groundwater, soil, crop tissue, and other monitoring is not believed to be applicable for this permit, due to the discharge of recycled water directly to the Phyllis Canal for use as irrigation water supply augmentation.
Section 13

References


This is a draft and is not intended to be a final representation of the work done or recommendations made by Brown and Caldwell. It should not be relied upon; consult the final report.
# Table of Contents

List of Tables ................................................................................................................................. iii

List of Abbreviations ........................................................................................................................ iv

Executive Summary ............................................................................................................................ 1

1. Introduction and Background ...................................................................................................... 1-1

2. Operation and Management Responsibility ............................................................................. 2-1
   2.1 Organizational Chart ........................................................................................................... 2-1
   2.2 Operator and Manager Responsibilities ............................................................................. 2-1
   2.3 Process for Updating the Plan of Operation ...................................................................... 2-2

3. Permits and Other Regulatory Requirements ........................................................................... 3-1
   3.1 Permits and Regulatory Documents .................................................................................. 3-1
   3.2 Ordinances, Rules, Statutes, and Standards ...................................................................... 3-2

4. Land Application Site ................................................................................................................. 4-1
   4.1 Topographic Maps .......................................................................................................... 4-1
   4.2 Regional Map and Description ....................................................................................... 4-1
   4.3 Scaled Map (Hydraulic Management Units) ....................................................................... 4-1
   4.4 Scaled Map (Recycled Water and Supplemental Water) ..................................................... 4-1

5. General Plant Description ......................................................................................................... 5-1
   5.1 Wastewater Treatment Design ......................................................................................... 5-1
   5.2 Wastewater Treatment Process ....................................................................................... 5-2
   5.3 Hydraulic Profile ............................................................................................................. 5-4
   5.4 Characterize Wastewater and Recycled Water Streams ..................................................... 5-4
   5.5 Wastewater Treatment and Reuse System ....................................................................... 5-8

6. Description, Operation, and Control of Unit Operations and Processes .................................. 6-1
   6.1 Unit Operations/Process ..................................................................................................... 6-1
   6.2 Normal Operations ............................................................................................................ 6-2
   6.3 Process Monitoring and Control Systems .......................................................................... 6-2
   6.4 Operating Instructions ....................................................................................................... 6-3
   6.5 Common Operating Problems ........................................................................................... 6-3
   6.6 Laboratory Tests (Process Control) .................................................................................. 6-3
   6.7 Laboratory Tests (Compliance Determination) ................................................................. 6-4
   6.8 Start-up Procedures .......................................................................................................... 6-4
   6.9 Emergency Operating Plans ............................................................................................. 6-4

7. Wastewater and Recycled Water Treatment and Storage Lagoons ......................................... 7-1

8. Reuse Site Features and Characteristics .................................................................................. 8-1
   8.1 Fencing and Posting ......................................................................................................... 8-1
8.2 Backflow Prevention Equipment .................................................................................................................. 8-1
9. Reuse Site Loading Rates .................................................................................................................................... 9-1
10. Reuse Site Vegetation ..................................................................................................................................... 10-1
11. Reuse Site Management .................................................................................................................................. 11-1
12. Monitoring Activities ...................................................................................................................................... 12-1
13. Maintenance .................................................................................................................................................. 13-1
14. Records and Reports .................................................................................................................................... 14-1
15. References ................................................................................................................................................... 15-1

List of Tables

Table 1-1. Recycled Water Rules Requirement Discussion Location in Application ........................................ 1-1
Table 3-1. Nampa WWTP NPDES Permit Requirements .................................................................................. 3-1
Table 3-2. Ordinances, Rules, Statutes and Standards ..................................................................................... 3-2
Table 5-1. Nampa WWTP Recycled Water Program Design Conditions .......................................................... 5-1
Table 5-2. Recycled Water Program Unit Processes Required and Preliminary Design Criteria ...................... 5-2
Table 5-3. Nampa Wastewater Current Flows and Loads .................................................................................. 5-5
Table 5-4. Nampa Wastewater 2040 Flow and Loading Projections ................................................................. 5-7
Table 5-5. Nampa WWTP Influent Concentrations & Removal Efficiencies ....................................................... 5-8
## List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>µg/L</td>
<td>micrograms per liter</td>
</tr>
<tr>
<td>BOD</td>
<td>biochemical oxygen demand</td>
</tr>
<tr>
<td>cfs</td>
<td>cubic feet per second</td>
</tr>
<tr>
<td>City</td>
<td>City of Nampa</td>
</tr>
<tr>
<td>Facility Plan</td>
<td>City of Nampa Wastewater Treatment Plant Facility Plan</td>
</tr>
<tr>
<td>FAZ</td>
<td>flexible aerated zone</td>
</tr>
<tr>
<td>I/I</td>
<td>infiltration and inflow</td>
</tr>
<tr>
<td>IDAPA</td>
<td>Idaho Administrative Procedures Act</td>
</tr>
<tr>
<td>IDEQ</td>
<td>Idaho Department of Environmental Quality</td>
</tr>
<tr>
<td>MCC</td>
<td>motor control center</td>
</tr>
<tr>
<td>mgd</td>
<td>million gallons per day</td>
</tr>
<tr>
<td>mg/l</td>
<td>milligrams per liter</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>O&amp;M</td>
<td>operations and maintenance</td>
</tr>
<tr>
<td>PID</td>
<td>Pioneer Irrigation District</td>
</tr>
<tr>
<td>PLC</td>
<td>programmable logic controller</td>
</tr>
<tr>
<td>SSORP</td>
<td>Sanitary Sewer Overflow Response Plan</td>
</tr>
<tr>
<td>TP</td>
<td>total phosphorus</td>
</tr>
<tr>
<td>TSS</td>
<td>total suspended solids</td>
</tr>
<tr>
<td>UPS</td>
<td>uninterruptable power supply</td>
</tr>
<tr>
<td>WWTP</td>
<td>wastewater treatment plant</td>
</tr>
</tbody>
</table>
Executive Summary

The City of Nampa (City) is authorized to discharge treated wastewater effluent from the Nampa Wastewater Treatment Plant to Indian Creek under U.S. Environmental Protection Agency National Pollutant Discharge Elimination System Permit No. ID0022063. The permit was issued September 20, 2016, effective November 1, 2016, through October 31, 2021. The permit is included at the end of the application as Attachment A.

The City is seeking a recycled water reuse permit from the Idaho Department of Environmental Quality and has developed this application to provide information to support development and issuance of a permit. This document serves as an outline for the Plan of Operations the City will develop to maintain the recycled water discharge requirements and other requirements of the recycled water reuse permit, once issued. The Plan of Operations is an iterative document that will be used and maintained to reflect the most up-to-date information regarding operation of the treatment system delivering Class A Recycled Water to the Phyllis Canal for the purpose of agricultural and municipal irrigation supply augmentation. The Plan of Operations will describe the normal operations of the treatment system, specific operating instructions and troubleshooting guidance, system monitoring for process control and compliance reporting, and a discussion of recordkeeping and emergency reporting procedures.
Section 1

Introduction and Background

The City of Nampa (City) is authorized to discharge treated wastewater effluent from the Nampa Wastewater Treatment Plant (WWTP) to Indian Creek under U.S. Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) Permit No. ID0022063. The permit was issued September 20, 2016, effective November 1, 2016, through October 31, 2021. The permit is included at the end of the application as Attachment A.

The City is seeking a recycled water reuse permit from the Idaho Department of Environmental Quality (IDEQ) and has developed this application to provide information to support development and issuance of a permit. This document serves as an outline for the Plan of Operations the City will develop to maintain the recycled water discharge requirements and other requirements of the recycled water reuse permit, once issued.

The intent of the permit application is to secure authorization for Class A recycled water treated at the Nampa WWTP to be discharged as agricultural and municipal irrigation supply augmentation water to the Phyllis Canal annually between approximately May 1 and September 30. The design flow planned for this discharge is 31 cubic feet per second (cfs) (20.1 million gallons per day [mgd]). The Phyllis Canal typically conveys irrigation water at a rate of approximately 200 cfs along the reach of the proposed recycled water discharge location.

In early 2018 the City completed the City of Nampa Wastewater Treatment Plant Facility Plan (Facility Plan) (BC, 2018) that was accepted by the IDEQ in spring 2018. The Facility Plan discusses irrigation supply augmentation as the preferred alternative for wastewater management between May 1 and September 30. The Plan of Operations describes the basis of the treatment system and operations required to consistently produce Class A recycled water for this purpose. This Plan of Operations will be updated following permit issuance and as the project design and construction moves forward.

Table 1-1 below shows where key sections of the Recycled Water Rules are addressed in the Preliminary Technical Report and Plan of Operations.

<table>
<thead>
<tr>
<th>Section of Recycled Water Rules</th>
<th>Description of Recycled Water Rule</th>
<th>Preliminary Technical Report Section</th>
<th>Plan of Operations Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>601</td>
<td>Municipal Recycled Water: Classification, Treatment, Use</td>
<td>Section 5</td>
<td>Section 5</td>
</tr>
<tr>
<td>602</td>
<td>Municipal Recycled Water: Classification and Uses Tables</td>
<td>Section 3</td>
<td>Section 3</td>
</tr>
<tr>
<td>603</td>
<td>Municipal Recycled Water: Access, Exposure and Signage</td>
<td>Section 7, Section 10</td>
<td>Section 8</td>
</tr>
<tr>
<td>604</td>
<td>Reuse Facilities: Buffer Distances</td>
<td>Section 10</td>
<td>Section 8</td>
</tr>
<tr>
<td>605</td>
<td>Municipal Recycled Water: Preliminary Engineering Reports</td>
<td>Section 5</td>
<td>Section 5, Section 6</td>
</tr>
<tr>
<td>606</td>
<td>Reuse Facility: Plan and Specification Review</td>
<td>Section 5</td>
<td>Section 5</td>
</tr>
<tr>
<td>607</td>
<td>Municipal Recycled Water: Distribution Pipelines</td>
<td>Section 4</td>
<td>Section 4</td>
</tr>
<tr>
<td>608</td>
<td>Municipal Recycled Water: Pumping Stations</td>
<td>Section 5, Section 7</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Section(s)</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>609</td>
<td>Municipal Recycled Water: Lagoons</td>
<td>Section 6</td>
<td></td>
</tr>
<tr>
<td>610</td>
<td>Municipal Recycled Water: Class A Recycled Water Filtration</td>
<td>Section 5, Section 8</td>
<td></td>
</tr>
<tr>
<td>611</td>
<td>Municipal Recycled Water: Reliability and Redundancy</td>
<td>Section 6</td>
<td></td>
</tr>
<tr>
<td>612</td>
<td>Demonstration of Technical, Financial, and Managerial Capacity of Municipal Reuse Facility</td>
<td>Section 2</td>
<td></td>
</tr>
<tr>
<td>613</td>
<td>Reuse Facility: Rapid Infiltration System</td>
<td>Section 7</td>
<td></td>
</tr>
<tr>
<td>614</td>
<td>Ground Water Recharge: Class A Recycled Water</td>
<td>Section 5, Section 7</td>
<td></td>
</tr>
<tr>
<td>615</td>
<td>Subsurface Distribution of Recycled Water</td>
<td>Section 4</td>
<td></td>
</tr>
</tbody>
</table>

DRAFT for review purposes only. Use of contents on this sheet is subject to the limitations specified at the end of this document.
Section 2

Operation and Management Responsibility

2.1 Organizational Chart

The personnel and positions identified in the organizational chart below are responsible for operating and maintaining the wastewater and reuse water systems for the Nampa WWTP.

![Organizational Chart]

In accordance with Idaho Administrative Procedures Act (IDAPA) 24.05.01 all wastewater treatment operators, collections operators, and laboratory analysts have a wastewater treatment operator license, ranging from level I through level IV. Andy Zimmerman, Shannon Johnson, and Joe Tague are all certified level IV operators.

2.2 Operator and Manager Responsibilities

Operators at the Nampa WWTP are responsible for the day-to-day activities and make adjustments as necessary to maintain efficient treatment process operation. Managers are responsible for maintaining and implementing requirements of the NPDES permit and the recycled water reuse permit. Managers are also responsible for scheduling, reporting, and assigning personnel.
2.3 Process for Updating the Plan of Operation

The Nampa WWTP superintendent and supervisors will be responsible for understanding the requirements of the recycled water reuse permit including what constitutes document updates and/or minor or major permit modifications. Updates will be assigned to appropriate staff and documented and reported following the guidance in the reuse permit issued by the IDEQ.
Section 3

Permits and Other Regulatory Requirements

3.1 Permits and Regulatory Documents

The City has authorization to treat wastewater and discharge to Indian Creek through its NPDES permit ID-0022063. This permit became effective November 1, 2016. The permit contains new requirements for total phosphorus (TP) and temperature treatment, which were not regulated in the previous NPDES permit. Compliance schedules are in place to meet these new limits. Stated effluent limits for final TP, mercury, and copper must be achieved by August 31, 2026. State effluent limits for temperature must be achieved by August 31, 2031. The key NPDES permit requirements are provided in Table 2-1. For other permit requirements refer to the Nampa WWTP NPDES permit provided in Attachment A.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Timing</th>
<th>Design Criteria</th>
<th>Compliance Year Deadline, if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharge location</td>
<td>Indian Creek (surface water)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Effluent temperature ¹</td>
<td>Summer only</td>
<td>July: 19°C (maximum daily)</td>
<td>2031</td>
</tr>
<tr>
<td></td>
<td></td>
<td>August: 19°C (maximum daily); 22.8°C (instantaneous maximum)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>September: 19.7°C (maximum daily)</td>
<td></td>
</tr>
<tr>
<td>Effluent 5-day biochemical oxygen demand (BOD₅)</td>
<td>Year-round</td>
<td>Monthly average: 30 mg/l</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weekly average: 45 mg/l</td>
<td></td>
</tr>
<tr>
<td>Total suspended solids (TSS)</td>
<td>Year-round</td>
<td>Monthly average: 30 mg/l</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weekly average: 45 mg/l</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4-month rolling average: 17.5 mg/l (2,629 lbs/day)</td>
<td></td>
</tr>
<tr>
<td>Total nitrogen</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total phosphorus ¹</td>
<td>May 1–September 30</td>
<td>Monthly average: 15 lbs/day</td>
<td>2026</td>
</tr>
<tr>
<td></td>
<td>October 1-April 30</td>
<td>Monthly average: 52.6 lbs/day</td>
<td>2026</td>
</tr>
<tr>
<td>Copper ¹</td>
<td>April–October</td>
<td>Monthly average: 10.7 µg/L</td>
<td>2026</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum daily: 23.1 µg/L</td>
<td></td>
</tr>
<tr>
<td></td>
<td>November–March</td>
<td>Monthly average: 17.8 µg/L</td>
<td>2026</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum daily: 38.5 µg/L</td>
<td></td>
</tr>
<tr>
<td>Cyanide</td>
<td>March–November</td>
<td>Monthly average: 4.75 µg/L</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum daily: 9.53 µg/L</td>
<td></td>
</tr>
<tr>
<td></td>
<td>December–February</td>
<td>Monthly average: 4.96 µg/L</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum daily: 9.96 µg/L</td>
<td></td>
</tr>
</tbody>
</table>
Table 3-1. Nampa WWTP NPDES Permit Requirements

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Timing</th>
<th>Design Criteria</th>
<th>Compliance Year Deadline, if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mercury</td>
<td>March–November</td>
<td>Average monthly limit: 0.011 µg/L Maximum daily: 0.022 µg/L</td>
<td>2026</td>
</tr>
<tr>
<td></td>
<td>December–February</td>
<td>Average monthly limit: 0.011 µg/L Maximum daily: 0.023 µg/L</td>
<td>2026</td>
</tr>
<tr>
<td>Ammonia</td>
<td>March–November</td>
<td>Monthly average: 1.31 mg/l Daily maximum: 4.92 mg/l</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>December–February</td>
<td>Monthly average: 1.41 mg/l Daily maximum: 5.31 mg/l</td>
<td>-</td>
</tr>
</tbody>
</table>

1 Effluent limit must be met in the future, as required by permit compliance schedule.

The City has not previously possessed a recycled water permit; therefore, no requirements that would apply are listed at this time.

In addition to the NPDES permit, the Lower Boise River total phosphorus total maximum daily load drives the regulatory requirements at the Nampa WWTP.

### 3.2 Ordinances, Rules, Statutes, and Standards

The IDAPA contains multiple rules that govern Nampa WWTP operations and discharge, including Idaho Wastewater Rules (IDAPA 58.01.16) and Ground Water Quality Rules (IDAPA 58.01.11). The Recycled Water Rules (IDAPA 58.01.17) will also be applicable to the City once the reuse permit is secured. In developing the Facility Plan, the City used Class A recycled water standards to develop a preliminary concept of the preferred alternative.

Table 2-2 provides a summary of the key ordinances, rules, statutes, and standards applicable for the Nampa WWTP.

Table 3-2. Ordinances, Rules, Statutes and Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>Resolution No. 32-2018</td>
<td>A resolution of the City Council of the City of Nampa, Canyon County, Idaho, Implementing Increases in Service Fees Charged by the City of Nampa for Wastewater Rates and User Fees</td>
</tr>
<tr>
<td>Resolution</td>
<td>Resolution No. 33-2018</td>
<td>A resolution of the City Council of the City of Nampa, Canyon County, Idaho, Implementing Increases in Service Fees Charged by the City of Nampa for Wastewater Hookup Fees</td>
</tr>
<tr>
<td>Nampa City Code</td>
<td>Chapter 8 – Sewer Regulations</td>
<td>• Includes basis for charges, sewer fund, inspection, permit, connections limited, etc.</td>
</tr>
<tr>
<td></td>
<td>Chapter 9 – Wastewater Pretreatment</td>
<td>• This chapter sets forth uniform requirements for dischargers into the city wastewater collection and treatment system and enables the city to protect public health in conformity with all applicable local, state, and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR part 403).</td>
</tr>
</tbody>
</table>
Section 4

Land Application Site

4.1 Topographic Maps

Figure 1 is a topographic map identifying the Nampa WWTP in relation to the Phyllis Canal. Figure 2 provides a view of the potential routes a recycled water pipeline may take from the Nampa WWTP to the Phyllis Canal.

Figure 3 presents the Pioneer Irrigation District (PID) service area downstream from the proposed recycled water discharge point. The area within the red polygon includes an approximately 1/4-mile buffer of the area. The customers served by PID in this area include the cities of Nampa and Caldwell. Both cities have several pump stations and diversions installed along the Phyllis Canal and associated drains and laterals to supply irrigation water to each city’s irrigation utility customers. Other major PID customers in this area include unincorporated subdivisions, private residences, and farms. Additional information on the major crop types in this area is included in Section 9 of the Preliminary Technical Report. Downstream (north and west) irrigation districts including Riverside Irrigation District and the Black Canyon Irrigation District also rely heavily on irrigation water and return flows (both surface water and shallow groundwater) managed by PID.

4.2 Regional Map and Description

A broader regional map surrounding the PID area is included as Figure 4. Figure 5 further identifies various irrigation companies and cooperatives in the region.

4.3 Scaled Map (Hydraulic Management Units)

Hydraulic management units are not applicable for this permit considering the discharge of recycled water directly to the Phyllis Canal, as opposed to applying to a specific hydraulic management unit.

4.4 Scaled Map (Recycled Water and Supplemental Water)

The scaled map presented in Figure 2 identifies multiple proposed pipeline routes and associated discharge points. All pipeline routes begin near the Nampa WWTP outfall to Indian Creek and discharge at points along a 1-mile section of the Phyllis Canal. Pipeline routes will be further evaluated in the predesign phase of Nampa WWTP upgrades, and the selected route will be reported to the IDEQ.
Section 5

General Plant Description

5.1 Wastewater Treatment Design

The Nampa WWTP receives wastewater from domestic (residential/commercial) dischargers, industrial dischargers, infiltration and inflow (I/I) from seasonal irrigation sources, and I/I from sources other than irrigation users. The current design total rated hydraulic (maximum month) capacity is 18 mgd. The recent Facility Plan provides flow and loading projections through 2040. The future expected influent flow to the Nampa WWTP is 20.1 mgd. For additional discussion on current and future flow rates, refer to Section 5.4.

In addition to future growth the City considered applicable regulatory requirements for both NPDES and Recycled Water discharge. These combined factors are summarized in Table 5-1, below.

Table 5-1. Nampa WWTP Recycled Water Program Design Conditions

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Summer Design Condition</th>
<th>Winter Design Condition ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum month flow</td>
<td>20.1 mgd</td>
<td>20.1 mgd</td>
</tr>
<tr>
<td>Effluent total suspended solids</td>
<td>–</td>
<td>Monthly average: 30 mg/l</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weekly average: 45 mg/l</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4-month average: 17.5 mg/l</td>
</tr>
<tr>
<td>Effluent BODs</td>
<td>Monthly average: 10 mg/l</td>
<td>Monthly average: 30 mg/l</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weekly average: 45 mg/l</td>
</tr>
<tr>
<td>Effluent total phosphorus</td>
<td>– ²</td>
<td>Monthly average: 52.4 lbs/day (0.35 mg/l) ³</td>
</tr>
<tr>
<td>Effluent total nitrogen</td>
<td>30 mg/l ⁴</td>
<td>30 mg/l</td>
</tr>
<tr>
<td>Effluent ammonia</td>
<td>Monthly average: 1.31 mg/l (March–November)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Daily maximum: 4.92 mg/l (March–November)</td>
<td>Monthly average: 1.41 mg/l (December–February)</td>
</tr>
<tr>
<td></td>
<td>Daily maximum: 5.31 mg/l (December–February)</td>
<td></td>
</tr>
<tr>
<td>Effluent temperature</td>
<td>– ⁵</td>
<td>– ⁵</td>
</tr>
<tr>
<td>Other</td>
<td>Class A Recycled Water (IDAPA 58.01.17) requirements</td>
<td>Class A Recycled Water (IDAPA 58.01.17) requirements for industrial reuse stream (1–2 mgd)</td>
</tr>
</tbody>
</table>

¹ The values listed assume discharge to an irrigation canal during the summer season. During the winter season NPDES permit limits apply.
² Effluent TP limits will be negotiated with PID based on canal operation needs.
³ Effluent TP limits are on a pounds per day basis. Concentration is provided for reference only.
⁴ Effluent TN limits are estimated to be lower for summer discharge as a conservative assumption based on the requirements of the Recycled Water Rules (IDAPA 58.01.17, Section 607.02.d). The requirements for this discharge will be further refined through additional permit negotiations.
⁵ Effluent temperature limits are assumed to not apply to irrigation canals as they are not intended to support aquatic life.

BOD = biochemical oxygen demand.
lbs/day = pounds per day.
mgd = million gallons per day.
mg/l = milligrams per liter.
5.2 Wastewater Treatment Process

The Nampa WWTP operates as a secondary treatment facility that uses conventional aerated activated sludge units for biological oxidation of the wastewater. The Nampa WWTP will be upgraded to provide full-scale recycled water. The goal is to provide Class A recycled water (as defined in IDAPA 58.01.17.601) to local industries and irrigation users for reuse. The processes that will be installed to achieve this include tertiary filtration, ultraviolet disinfection, industrial pump station and pipeline, and irrigation reuse pump station and pipeline. IDAPA 58.01.17 provides the disinfection requirements for achieving Class A municipal recycled water quality, which must be a disinfection process that, when combined with filtration, can achieve 5-log inactivation of virus (IDAPA 58.01.17 Section 601.01.a.i.2).

The new or modified unit processes that will be necessary and the associated design capacity of these systems are provided in Table 5-2. These systems will need to be installed at the Nampa WWTP in order to provide Class A recycled water to irrigation and industrial users. These design criteria will be further defined through preliminary and final design stages of the project.

<table>
<thead>
<tr>
<th>Table 5-2. Recycled Water Program Unit Processes Required and Preliminary Design Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit Process</strong></td>
</tr>
</tbody>
</table>
| Aeration basin modifications | • Construction of Aeration Basin #4  
• Sized identical to existing aeration basins: 134 ft x 160 ft x 21 ft  
• 3,304,000-gallon capacity |
| Blower building | • 6, 700-hp blowers (5 duty, 1 standby), 9,750 cfm sizing  
• 12,000-ft² building  
• 500-kW generator |
| RAS piping and WAS pumping | • 2 WAS pumps (10 hp each)  
• WAS pump TDH: 50 ft  
• 60 LF of 18-inch RAS piping and fittings  
• 275 LF 30-inch piping |
| MLR pumps | • 4 pumps, 17,000 gpm (24 mgd) each  
• 10 feet TDH  
• 125 hp mixed flow pumps, 1 per treatment train |
| Final clarifier No. 4 | • Circular clarifier, 120-ft diameter with mechanism |
| Solids facility expansion | • 1,650-ft² building expansion  
• 2 rotary drum thickeners, 440 gpm capacity each  
• 1 centrifuge, 200 gpm capacity |
| Struvite reactor | • 3,888-ft² building  
• Struvite reactor equipment and piping  
• 1,185 LF of 10-inch piping |
| Filter lift pump station | • Building enclosure  
• 3 vertical turbine pumps  
• 20-inch vertical turbine solids handling  
• Flow: 9,450 gpm  
• TDH: 30 feet  
• Power: 100 hp  
• 500-kW generator  
• 530 LF of 42-inch piping |
## Table 5-2. Recycled Water Program Unit Processes Required and Preliminary Design Criteria

<table>
<thead>
<tr>
<th>Unit Process</th>
<th>Unit Process Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Membrane filtration</td>
<td>• 12,000-ft² building (200 ft x 60 ft x 36 ft)</td>
</tr>
<tr>
<td></td>
<td>• 105-ft long, 40-ft wide, 16-ft deep membrane tanks</td>
</tr>
<tr>
<td></td>
<td>• 36 membrane cassettes and 2,808 modules installed</td>
</tr>
<tr>
<td></td>
<td>• 6 permeate pumps</td>
</tr>
<tr>
<td></td>
<td>• 2 positive displacement blowers (1 duty, 1 standby)</td>
</tr>
<tr>
<td>Ultraviolet disinfection: Class A</td>
<td>• 5,460-ft² building</td>
</tr>
<tr>
<td></td>
<td>• 4 channels, 9 banks per channel</td>
</tr>
<tr>
<td></td>
<td>• Disinfection dose: 100 mJ/cm²</td>
</tr>
<tr>
<td>Effluent forcemain for irrigation reuse</td>
<td>• 6,000 LF of 42-inch high density polyethylene pipe</td>
</tr>
<tr>
<td>Effluent pump station for irrigation reuse</td>
<td>• Vertical turbine pumps (3)</td>
</tr>
<tr>
<td></td>
<td>• References Project Group A Primary Effluent Pump Station</td>
</tr>
<tr>
<td></td>
<td>• 20-inch vertical turbine solids handling</td>
</tr>
<tr>
<td></td>
<td>• Flow: 9,450 gpm</td>
</tr>
<tr>
<td></td>
<td>• TDH: 30 feet</td>
</tr>
<tr>
<td></td>
<td>• Power: 100 hp</td>
</tr>
<tr>
<td></td>
<td>• Building enclosure: 14 ft x 54 ft</td>
</tr>
<tr>
<td>Effluent pump station &amp; forcemain for industry</td>
<td>• 2 submersible pumps, duplex-type arrangement</td>
</tr>
<tr>
<td></td>
<td>• TDH: 40–80 ft</td>
</tr>
<tr>
<td></td>
<td>• 10,000 LF of 12-inch polyvinyl chloride forcemain</td>
</tr>
<tr>
<td></td>
<td>• 840 LF of 42-inch piping industrial flow (1–2 mgd) disinfected to Class-A standards using in-pipe ultraviolet treatment</td>
</tr>
<tr>
<td></td>
<td>• Disinfection dose: 100 mJ/cm²</td>
</tr>
<tr>
<td>Digester #5</td>
<td>• 1 mixing pump, 125 hp motor</td>
</tr>
<tr>
<td></td>
<td>• Flare relocation</td>
</tr>
<tr>
<td>Primary thickening</td>
<td>• Thickening feed pumps, 2 duty/1 standby, 30 hp motors</td>
</tr>
<tr>
<td></td>
<td>• Rotary drum thickeners, 2 duty/1 standby</td>
</tr>
<tr>
<td></td>
<td>• Thickened primary sludge pumps, 2 duty/1 standby, 15 hp motors</td>
</tr>
<tr>
<td></td>
<td>• Polymer make-up and feed systems</td>
</tr>
<tr>
<td></td>
<td>• Centrate pumps: 2 duty/1 standby, 20 hp motors</td>
</tr>
</tbody>
</table>

*cfm = cubic feet per minute.*

*ft = feet.*

*gpm = gallons per minute.*

*hp = horsepower.*

*kW = kilo-Watt.*

*LF = linear feet.*

*mJ/cm² = millijoule per square centimeter.*

*RAS = return activated sludge.*

*TDH = total design head.*

*WAS = waste activated sludge.*

Process flow diagrams for the liquid and the solid streams are provided in Figures 6 and 7, respectively.
5.3 Hydraulic Profile

The City updated the Nampa WWTP hydraulic profile as part of the Facility Plan development. This preliminary hydraulic profile, including key inverts and elevations, is provided in Figure 13. It is anticipated that this preliminary hydraulic profile will be further refined as the remaining design stages of the project are completed.

5.4 Characterize Wastewater and Recycled Water Streams

The Nampa WWTP receives and treats wastewater flow and loadings from four sources: domestic (residential/commercial) dischargers, industrial dischargers, I/I from seasonal irrigation, and I/I from sources other than seasonal irrigation influences. The wastewater collected from the service area contains both organic and inorganic loadings.

Domestic flow is independent of seasonal and climate conditions and tends to follow a diurnal flow pattern that reflects timing of water usage in the community. Industrial discharges come from a range of industries in the service area, including food processing plants, sanitation, and technology services. Industrial discharges are less consistent than domestic discharges and tend to be higher strength in terms of BOD, TSS, total Kjeldahl nitrogen, and TP and other loadings. I/I resulting from seasonal irrigation increases throughout the summer and peaks in the early fall. The non-seasonal irrigation I/I is driven by precipitation and groundwater variations (these are independent of irrigation influences).

The City’s wastewater flow varies seasonally. Flow volumes are highest from June to January during irrigation season and followed by influences from industrial food processors’ peak discharge occurring during the late fall and winter. The annual average flow to the Nampa WWTP is gradually decreasing over recent years, caused by a reduction in local industry and subsequent industrial discharges to the municipal sewage system. The load has also decreased over the past 2 years due to the reduction in industrial discharges. The average monthly flow has not decreased at the same rate as the influent load, most likely because the industrial flows have not decreased at the same rate as loads, and there has been growth in domestic discharge, which constitutes flow with lower concentrations of BOD and TSS, yielding less load for the same flow.

A wastewater characterization study was performed as part of the Facility Plan development. The results of the study were documented in TM T-49 Nampa WWTP Capacity Assessment. For more information on wastewater characteristics, refer to Appendix C of the Facility Plan.

The Facility Plan included the development of TM T-46 Flow and Loads which evaluated current conditions and developed future projections based on population growth. The current condition was based on available Nampa WWTP data from 2012 through 2015. Table 5-3 is the resulting current flow and load condition for the Nampa WWTP.
### Table 5-3. Nampa Wastewater Current Flows and Loads

<table>
<thead>
<tr>
<th>Influent Category</th>
<th>Flow (mgd)</th>
<th>BOD (lbs/day)</th>
<th>TSS (lbs/day)</th>
<th>TKN (lbs/day)</th>
<th>TP (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Average</td>
<td>Maximum Month</td>
<td>Peak Day</td>
<td>Annual Average</td>
<td>Maximum Month</td>
</tr>
<tr>
<td>Domestic</td>
<td>7.67</td>
<td>7.67</td>
<td>7.67</td>
<td>16,132</td>
<td>19,578</td>
</tr>
<tr>
<td>Industrial</td>
<td>2.82</td>
<td>2.82</td>
<td>4.23</td>
<td>20,389</td>
<td>20,389</td>
</tr>
<tr>
<td>Irrigation-related I/I</td>
<td>0.95</td>
<td>2.28</td>
<td>2.38</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Non-irrigation I/I</td>
<td>0.14</td>
<td>0.34</td>
<td>2.30</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Influent</td>
<td>11.6</td>
<td>13.1</td>
<td>16.6</td>
<td>36,521</td>
<td>39,967</td>
</tr>
</tbody>
</table>

1 For industrial customers, the Average Annual flow capacity represents the allowable daily discharge. Values are rounded to the nearest hundredth mgd and whole value pounds per day (lbs/day) for flow and load, respectively.

2 Peak Day = 1.5 * monthly average for industrial flows and loads.

3 Seasonal irrigation is calculated to increase during irrigation season (April–September) by approximately 1.9 mgd. This period represents approximately half the year; therefore, the monthly average is 1.9 divided by 2 = 0.95 mgd. Estimates were developed based on Nampa WWTP influent data from 2008 through 2016. Seasonal irrigation average, maximum month, and peak day flows are assumed to not change over time.

4 Total flows = total industrial permitted flow + total domestic flow + seasonal irrigation + other I/I; Total loads = total industrial permitted load + total domestic load; values are rounded to the nearest tenth mgd for flow and nearest lbs/day for loads.
The Facility Plan evaluated future flow and loading conditions through 2040, which will inform the design of the Preferred Alternative. During the summer season, the full 20.1 mgd maximum month flow would be treated to Class A recycled water quality and then discharged to an irrigation canal. The City plans to produce 1–2 mgd of treated Class A water that would be available year-round for industrial reuse (the permitting for this will occur in the future). During the winter, the City would operate under its existing NPDES permit and discharge the treated effluent to Indian Creek. Table 5-5 summarizes these future flow and loading conditions.
### Table 5-4. Nampa Wastewater 2040 Flow and Loading Projections

<table>
<thead>
<tr>
<th>Influent Category</th>
<th>Flow (mgd)</th>
<th>BOD (lbs/day)</th>
<th>TSS (lbs/day)</th>
<th>TKN (lbs/day)</th>
<th>TP (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Average</td>
<td>Maximum Month</td>
<td>Peak Day (^1)</td>
<td>Annual Average</td>
<td>Maximum Month</td>
</tr>
<tr>
<td>Domestic</td>
<td>13.69</td>
<td>13.69</td>
<td>13.69</td>
<td>30,652</td>
<td>38,136</td>
</tr>
<tr>
<td>Industrial (^2)</td>
<td>3.8</td>
<td>3.8</td>
<td>5.7</td>
<td>32,907</td>
<td>32,907</td>
</tr>
<tr>
<td>Irrigation-related I/I (^3)</td>
<td>0.95</td>
<td>2.28</td>
<td>2.38</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Non-irrigation I/I</td>
<td>0.14</td>
<td>0.34</td>
<td>2.30</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>18.6</td>
<td>20.1</td>
<td>24.1</td>
<td>63,560</td>
<td>71,040</td>
</tr>
</tbody>
</table>

\(^1\) Peak Day = 1.5 * monthly average for industrial flows and loads.

\(^2\) For industrial customers, the Average Annual flow capacity represents the allowable daily discharge. Values are rounded to the nearest hundredth mgd and whole value lbs/day for flow and load, respectively.

\(^3\) Seasonal irrigation is calculated to increase during irrigation season (April–September) by approximately 1.9 mgd. This period represents approximately half the year; therefore, the monthly average is 1.9 divided by 2 = 0.95 mgd. Estimates were developed based on Nampa WWTP influent data from 2008 through 2015. Seasonal irrigation average, maximum month, and peak day flows are assumed to not change over time.

\(^4\) Total flows = total industrial permitted flow + total domestic flow (2040) + seasonal irrigation + other I/I; total loads = total industrial permitted load + total domestic load (2040); values are rounded to the nearest tenth mgd for flow and 10 lbs/day for loads.
5.5 Wastewater Treatment and Reuse System

The Nampa WWTP will be designed to treat for constituents as designated in the future reuse permit. The influent concentrations for the Class A constituents and phosphorus is compared with the target removal efficiencies in Table 5-5.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Influent Concentration 1</th>
<th>Effluent Limit 2</th>
<th>Removal Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSS</td>
<td>220 mg/l</td>
<td>30 mg/l</td>
<td>86%</td>
</tr>
<tr>
<td>Turbidity</td>
<td>NA</td>
<td>0.5 NTU</td>
<td></td>
</tr>
<tr>
<td>BOD₅³</td>
<td>263 mg/l</td>
<td>10 mg/l</td>
<td>96%</td>
</tr>
<tr>
<td>TN₄</td>
<td>36.2 mg/l</td>
<td>30 mg/l</td>
<td>17%</td>
</tr>
<tr>
<td>Ammonia, total as N</td>
<td>22.5 mg/l</td>
<td>1.41 mg/l (December–February) and 1.31 mg/l (March–November)</td>
<td>94%</td>
</tr>
<tr>
<td>Total coliform (organisms/100 mL)</td>
<td>– ⁵</td>
<td>2.2 (7-day median)</td>
<td>–</td>
</tr>
<tr>
<td>Viruses</td>
<td>– ⁵</td>
<td>Disinfection to 5-log inactivation of virus</td>
<td>–</td>
</tr>
<tr>
<td>pH</td>
<td>7.9 SU</td>
<td>6.0 – 9.0 SU</td>
<td>–</td>
</tr>
</tbody>
</table>

¹ Influent concentrations represent 2017 annual averages.
² Effluent limits are shown as monthly averages unless otherwise indicated.
³ BOD₅ removal is based on IDAPA 58.01.17 Class A requirements for non-recharge and residential irrigation uses.
⁴ The TN limit of 30 mg/l proposed for discharge to Phyllis Canal (non-recharge use).
⁵ Data not measured.
Section 6

Description, Operation, and Control of Unit Operations and Processes

6.1 Unit Operations/Process

The Nampa WWTP is a secondary treatment facility that uses conventional aerated activated sludge units for biological oxidation of the wastewater. The current design total rated hydraulic (maximum month) is 18 mgd. This rating will be increased to 20.1 mgd with the completion of the Phase II Upgrades to the Nampa WWTP.

Figures 6 and 7 show the overall process flow schematic for the Nampa WWTP after the completion of the Phase II and Phase III upgrades which include the proposed recycled water program and tertiary filtration components. As shown in the figures, raw wastewater enters the influent pump station and is pumped up to the influent screens. The primary influent then flows by gravity through the grit chambers and to the primary influent splitter box. The screened and degritted wastewater flow is then split between the three primary clarifiers for primary treatment. This headworks building is enclosed thereby reducing nuisance odors from affecting the surrounding community.

Currently, anywhere from 0 to 40 percent of the primary effluent is directed to the trickling filter recirculation pump station where it is split between two trickling filters for BOD removal. The trickling filter mixed liquor flows from the trickling filter recirculation pump to a secondary clarifier for settling. The trickling filter secondary effluent is then mixed with the remaining primary effluent and directed to one of the three aeration basins via the primary effluent pump station for biological treatment. Following the completion of the Phase II Upgrades the primary effluent will flow directly to the primary effluent pump station as the trickling filters will be demolished which will additionally result in the removal of a large nuisance odor producing element at the plant.

The aeration basins are configured with an anaerobic zone, a flexible aerated zone (FAZ), and an aerobic zone for biological nutrient removal. Mixing in the anaerobic and FAZ cells is provided by submerged medium-speed mixers, while aeration and mixing in the aerobic zones and FAZ is provided by centrifugal blowers and membrane and ceramic diffusers. After exiting the aeration basins, the mixed liquor flows by gravity to the final clarifier flow splitter box and is divided between one of three final clarifiers. The secondary effluent flow is injected with sodium hypochlorite for disinfection then flows through one of two chlorine contact chambers. The disinfected effluent is dosed with sodium bisulfite for dechlorination before a portion of the water is pumped for use as No. 4 water throughout the plant. The remainder is sent to the post aeration basin to increase the dissolved oxygen concentration before being discharged to Indian Creek.

The Phase II/III Upgrades will modify the operation of the Nampa WWTP to make it capable of producing recycled water. The most notable changes will be the addition of tertiary filtration and additional disinfection steps. These processes are in the design process but will be configured to meet the requirements for Class A Recycled Water including incorporation of a recycled water pump station to convey the recycled water to Phyllis Canal.

Waste activated sludge is pumped through thickening feed pumps to rotary drum thickeners after the addition polymer for more efficient thickening. The thickened waste activated sludge is pumped
to primary anaerobic digesters along with the primary sludge. Polymer is added to the sludge prior to
dewatering using centrifuges. The centrate is sent to a centrate storage tank, combined with the
filtrate from the rotary drum thickeners, and mixed with ferrous chloride for control of hydrogen
sulfide odors prior to being pumped back to headworks. Dewatered biosolids are stored on site in
sludge drying beds prior to landfill disposal. Due to high volatile solids reduction these biosolids have
low associated nuisance odors. Collected screenings and grit are also landfilled.

6.2 Normal Operations

The Class A recycled water system may discharge up to 31 cfs at full design flow rates. Typical flow
patterns and flow rates will be developed following design and construction of the Nampa WWTP
upgrades.

6.3 Process Monitoring and Control Systems

The City’s overall control system was described within the preliminary design documents developed
under Phase I Upgrades. The project team (Brown and Caldwell and Nampa WWTP staff) developed
the Instrumentation and Control Philosophy, which was described as “a defined thought process
regarding system controls in support of a set operational philosophy through standards and
procedures.” The final programmable logic controller (PLC) manufacturer and model, Rockwell
Automation ControlLogix platform, were selected through this effort.

The existing control system architecture is a distributed system placing automatic logic within the
uninterruptable power supply (UPS) backed, non-redundant, PLCs located within main process areas
and dedicated controls for complex equipment. Manual controls are separated between the motor
control centers (MCCs) and the local equipment. As part of the “hands-on” control philosophy, the
existing equipment preference is to have the operator visit the MCC prior to moving to the local
equipment. At the MCC, the operator places the equipment in the Hand position, which allows the
Start/Stop selection to become active local to the equipment. This movement confirms the
operator’s intentions of removing the equipment control from the PLC.

Remote operations for the entire plant can be accessed both at the MCC located PLC cabinets,
where panel mounted workstations reside, and within the administrative building where the
Supervisory Control and Data Acquisition (SCADA) desktop workstations and servers reside. These
controls include supervisory actions such as set point manipulation and lead equipment selection
and remote manual start/stop action and manual speed manipulations for variable speed
equipment.

Remote and off-site access is not provided to operations staff due to the City’s requirement to
maintain a highly secured control system by limiting remote network access, but remote alarming is
extended offsite through the use of both a hardware alarm autodialer for critical alarms and a SCADA
based software autodialer for all alarms.

Through Phase I, the existing control system was expanded to include support for new facilities and
equipment with the plant network system being rerouted to designated utility corridors, providing
distinct utility paths through the facility. The new corridors will provide designated locations for all in-
plant utilities to be routed, including communications. The existing fiber optic communication cable
was retained and new fiber optic cable was routed through the new corridors, providing a redundant
network path to each of the existing facilities modified under the Phase I construction. Because the
Phase I upgrades will not touch every part of the existing facility, the network topology during this
time frame comprises both a modified star configuration and a new redundant ring. UPS-supported
SCADA workstations are located at each MCC located PLC cabinet providing access to the plant SCADA system.

Complex equipment added through Phase I Upgrades also includes a UPS-supplied PLC control system with local human machine interfaces. These equipment types provide full automatic control with access to the plant-wide SCADA system for remote status, indications, and alarming. In a case-by-case evaluation, remote supervisory control will be provided, allowing operations to update local control set points and alarm points, with limited start/stop capability and process adjustment.

Throughout Phase II/III Upgrades, portions of the facility will be modified to include the utility corridors and new process buildings, the older fiber optic cable will be abandoned or used to pull in additional fiber, which will be routed through the corridors forming two complete smaller redundant rings, with some outlying buildings maintaining the original conduit route until the facility’s new Headworks, Operations building, and Administrative building are constructed. At this time, the final corridors will be completed allowing the final three fully redundant network rings to be completed.

The three separate but redundant rings allow the network attachments at buildings to be close to the corridor, minimizing single routes, which could allow breakage at two points within the network during a single excavation. To minimize this possibility, the network routings into building should be placed at a minimum of 4 feet of depth difference, where multiple entries into the building are not feasible.

The inclusion of redundant paths minimizes the City’s dependency on the SCADA software to mitigate network outages. Overall, they provide for a greater support mechanism for data transfers from the local PLCs to the SCADA Historian located in the Administration building. This new configuration is designed to accommodate relocation of the Administration building at some time in future planning.

6.4 Operating Instructions

The City maintains an existing operations and maintenance (O&M) manual in hardcopy form, retained on-site at the Nampa WWTP. The City will be converting this O&M manual to electronic format and incorporating new facilities, such as Phase I Upgrades – Project Group A, into the manual.

In the future, as Phase II Upgrades are constructed and commissioned, the O&M manual will also be updated with the new unit processes and equipment. Because the recycled water program is still in the preliminary design stage at this time, there are no O&M manuals available because the major processes and equipment are still being developed. When these are selected and constructed in the future, the City will actively be modifying the existing O&M manual as required.

6.5 Common Operating Problems

The existing Nampa WWTP experiences few operational issues. Most processes are set up with redundancy to mitigate the risks of equipment failure. Troubleshooting and common operating problems will be documented once the reuse system becomes operational.

6.6 Laboratory Tests (Process Control)

The laboratory tests list for process control will be developed following permit issuance and project design. Current tests performed at the Nampa WWTP include, but are not limited to, chlorine, carbonaceous oxygen demand, suspended solids, settlometer, pH, microscope examination,
settleable solids, centrifuge, sludge volume index, F/M ratio, dissolved oxygen uptake, volatile solids, volatile suspended solids, total volatile solids, acidity, alkalinity, and percent carbon dioxide.

**6.7 Laboratory Tests (Compliance Determination)**

The laboratory tests list for compliance determination will be developed following permit issuance and project design. Current tests performed at the Nampa WWTP include, but are not limited to, flow, pH, BOD, E. coli, TSS, TP, orthophosphate, conductivity, turbidity, NH3, total Kjeldahl nitrogen, nitrate, nitrite, hardness, temperature, and chlorine.

**6.8 Start-up Procedures**

Startup procedures will be documented once the reuse system becomes operational.

**6.9 Emergency Operating Plans**

The City maintains the *Sanitary Sewer Overflow Response Plan (SSORP)*, pursuant to the terms and conditions of the U.S. Environmental Protection Agency’s 2000 Consent Decree. The SSORP is designed to ensure every report of a confirmed sewage spill is immediately dispatched to the appropriate collections personnel so that the effects of the overflow can be minimized with respect to its adverse impacts on beneficial use, water quality of surface waters, and customer service. The SSORP includes provisions to ensure safety, pursuant to the directions provided by the City, and make sure notification and reporting procedures are executed to the necessary collections personnel, state, and federal authorities. The SSORP comprises overflow response procedures, public advisory procedures, regulatory agency notification plan, media notification procedure, and distribution and maintenance of the SSORP.

This emergency response plan and procedures will be reevaluated and revised to document any changes that may result from the implementation of the recycled water program.
Section 7

Wastewater and Recycled Water Treatment and Storage Lagoons

Treatment ponds and storage lagoons are not included as part of this project. All treatment is conducted at the Nampa WWTP as described in Sections 5 and 6.
Section 8

Reuse Site Features and Characteristics

8.1 Fencing and Posting

Per the Guidance Manual, buffer zones and fencing are not required for Class A recycled wastewater. However, the discharge pipe will be located on PID property. PID prohibits access to canal roads by unauthorized personnel. Additionally, access to the discharge point will be secured for access by authorized personnel only via security fencing or other measures, similar to City irrigation pump stations located along the Phyllis Canal.

Signage with a message indicating that the discharge is recycled wastewater and a “do not drink” warning will be posted at the discharge pipe.

All piping, valves, and other appurtenances from the Nampa WWTP to the discharge point to Phyllis Canal will be purple in color (Pantone 512, 522 or equivalent).

This section of the Plan of Operations will be updated to meet requirements of the reuse permit, once issued.

8.2 Backflow Prevention Equipment

There will be no connections to other water sources utilized for the operation of the recycled water system.
Section 9

Reuse Site Loading Rates

Considerations for reuse site loading rates are discussed in Preliminary Technical Report Section 8. This section of the Plan of Operations will be updated to meet requirements of the reuse permit once issued.
Section 10

Reuse Site Vegetation

Vegetation within the area of analysis is described in Preliminary Technical Report Section 9. This section of the Plan of Operations will be updated to meet requirements of the reuse permit once issued.
Section 11

Reuse Site Management

Considerations for reuse site management planning are discussed in the Preliminary Technical Report Section 10. This section of the Plan of Operations will be updated to meet requirements of the reuse permit once issued.
Section 12

Monitoring Activities

Recycled water monitoring will occur at the discharge point to Phyllis Canal. A monitoring plan guiding the collection of compliance determination data will be developed following issuance of the reuse permit and before discharging recycled water authorized under the permit.

Groundwater, soil, crop tissue, and other monitoring is not believed to be applicable for this permit due to the discharge of recycled water directly to the Phyllis Canal for use as irrigation water supply augmentation.
Section 13
Maintenance

The City’s recycled water system will have detailed maintenance information and guidance to facilitate proper care and troubleshooting. Future maintenance information, including preventative maintenance schedules, troubleshooting charts and guides, maintenance record system, location of manufacturer’s manuals, management of spare parts inventory, vendors, and outside contractors and suppliers will be developed and made available to the IDEQ following permit issuance and prior to discharging recycled water authorized by the permit.

During the Facility Plan development for the Nampa WWTP, the City evaluated high level operations and maintenance costs for the preliminary equipment. These planning-level estimates will be further refined through the preliminary and final design stages of the project.
Section 14

Records and Reports

This section of the plan of operations will be updated following issuance of the reuse permit and before the discharge of recycled water authorized under the permit. For current operations, daily operating logs are completed by operators at the Nampa WWTP and filed for NPDES permit compliance. Storage of laboratory data, records, and report generation is currently in the process of being migrated to the HACH WIMS program. This program and associated records will be stored on secure City servers. Reporting procedures for permit violations will be written and adopted following issuance of the reuse permit.
Section 15

References

Idaho Department of Environmental Quality (IDEQ). 2018. IDAPA 58 Administrative Rules
Figure 1. Topographic Map: WWTP and Phyllis Canal

Client: City of Nampa
Date: 2-25-2019
Figure 2. Proposed Recycled Water Discharge Sites and Pipeline Routes

Locations are approximate and require further investigation.
Figure 3. Topographic map: Area of Analysis

Client: City of Nampa
Date: 2-25-2019

Nampa WWTP
Service Area
Figure 4. Overview Map

Client: City of Nampa
Date: 2-25-2019
Figure 5. Irrigation Districts
CANYON COUNTY, IDAHO
IRRIGATION DISTRICTS

Disclaimer: Canyon County makes no warranty with respect to the accuracy, completeness, information contained herein. Portions may be copied for incidental uses, but may not be resold or consequential damages resulting from the use or misuse of these maps or any of the details contained herein. Canyon County shall not be liable for incidental, special, or consequential damages arising from the content or inadequacy of information on or of the information contained herein. The information is intended for personal, non-commercial use only and may not be distributed, publicly exhibited, reproduced, or used in any manner for public or commercial use, by itself or in combination with other data. All copyright and other proprietary rights in and to the information are reserved by Canyon County.

Source: Idaho Department of Water Resources

Revised: October 30th, 2006
Figure 6. Nampa WWTP Liquid Stream process flow diagram
Client: City of Nampa
Date: 2-25-2019
1. Well ID 450903
   - Clay 3-20 ft
   - Sand and gravel 20-37 ft
   - Alternating clay and sand layers 37-244 ft
   - DTW=48 ft

2. Well ID 431722
   - Gravel 5-61 ft
   - Alternating clay and sand layers 60-217 ft
   - DTW=32 ft

3. Well ID 430456
   - Alternating sand/clay/gravel layers 1-125 ft
   - DTW=8 ft

4. Well ID 430853
   - Sandy clay 3-36 ft
   - Sand and gravel 36-80 ft
   - DTW=13 ft

5. Well ID 405342
   - Sand 16-21 ft
   - Alternating sand and clay layers 21-73 ft
   - DTW=3 ft

6. Well ID 429017
   - Alternating sand, gravel, clay layer 2-67 ft
   - Basalt 67.103 ft
   - DTW=17 ft

---

**Figure 10. Local Geology and Groundwater Wells**

Client: City of Nampa

Date: 2-25-2019

---

**Phyllis Canal**

**Groundwater model domain**

**Groundwater contours**

**Groundwater flow direction**

---

Path: Bcboi02\G:\PROJECTS\City_of_Nampa\FY19\Program Management\152745\Geology and Wells_11x17L_v105.mxd

---

Path: Bcboi02\G:\PROJECTS\City_of_Nampa\FY19\Program Management\152745\Geology and Wells_11x17L_v105.mxd
Figure 12. Crop Coverage and Land Use map: Area of Analysis

Client: City of Nampa
Date: 2-25-2019
Figure 13. WWTP Treatment Process Hydraulic Profile

Client: City of Nampa
Date: 2-19-2019

GENERAL NOTES:
1. Elevations are based on the Indian Creek 100-Yr Flood Level.
2. All elevations referenced to NAVD88 Vertical Datum.

HYDRAULIC PROFILE
SCALE: HORNE NO SCALE, VERT 1" = 10'

HYDRAULIC PROFILE SCENARIOS:

PLANT INFLUENT FLOWS:
- 12 MGD - FIRM CAPACITY
- 26 MGD - FIRM CAPACITY
- 31 MGD - TOTAL CAPACITY
- 36 MGD - TOTAL CAPACITY

UNITS ONLINE/TOTAL UNITS

<table>
<thead>
<tr>
<th>PLANT OPERATION</th>
<th>SCREENS</th>
<th>GRT CHAMBERS</th>
<th>PCO</th>
<th>TFs</th>
<th>SoC</th>
<th>ABS</th>
<th>FCs</th>
<th>OCTs</th>
<th>FBAB</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRM CAPACITY</td>
<td>3/3</td>
<td>2/2</td>
<td>3/3</td>
<td>1/2</td>
<td>1/1</td>
<td>3/3</td>
<td>3/3</td>
<td>2/2</td>
<td>2/2</td>
</tr>
<tr>
<td>TOTAL CAPACITY</td>
<td>3/3</td>
<td>2/2</td>
<td>3/3</td>
<td>1/2</td>
<td>1/1</td>
<td>3/3</td>
<td>3/3</td>
<td>2/2</td>
<td>2/2</td>
</tr>
</tbody>
</table>
Appendix A: City of Nampa WWTP NPDES Permit No. ID-0022063
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael Fuss
Public Works Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

Re: City of Nampa Wastewater Treatment Plant
    NPDES Permit No.: ID0022063

Dear Mr. Fuss:

We are reissuing a National Pollutant Discharge Elimination System (NPDES) permit for City of Nampa Wastewater Treatment Plant. The enclosed document authorizes the facility to discharge to Indian Creek. Also enclosed is the U.S. Environmental Protection Agency’s response to the comments received on the draft permit during the public notice period.

This letter serves as service of notice under 40 CFR §124.19(a). The service of notice date for this permit, in accordance with 40 CFR §124.19(a) and 40 CFR 124.20, is September 29, 2016. The permit will become effective on the date indicated in the permit unless a timely appeal meeting the requirements of 40 CFR §124.19 is received by the EAB. Information about the administrative appeal process may be obtained on-line at http://www.epa.gov/eab or by contacting the Clerk of the EAB at (202) 233-0122.

Sincerely,

Daniel D. Opalski, Director
Office of Water and Watersheds

Enclosures

cc: Mr. Aaron Scheff, Regional Administrator, Idaho Department of Environmental Quality, Boise Regional Office
    Ms. Kati Carberry, Idaho Department of Environmental Quality, Boise Regional Office
    Mr. Justin Hayes, Idaho Conservation League
    Ms. Liz Paul, Idaho Rivers United
    Mr. Steve Burgos, City of Boise
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue Suite 900
Seattle, Washington 98101-3140

Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”,

City of Nampa
Wastewater Treatment Facility
340 West Railroad Street
Nampa, ID 83687

is authorized to discharge from the wastewater treatment plant located in Nampa, Idaho, at the following location(s):

<table>
<thead>
<tr>
<th>Outfall</th>
<th>Receiving Water</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Indian Creek</td>
<td>43° 35' 50&quot; N</td>
<td>116° 34' 52&quot; W</td>
</tr>
</tbody>
</table>

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective November 1, 2016.

This permit and the authorization to discharge shall expire at midnight, October 31, 2021.

The permittee shall reapply for a permit reissuance on or before May 4, 2021 if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 20th day of September, 2016.

Daniel D. Opalski, Director
Office of Water and Watersheds
### Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

<table>
<thead>
<tr>
<th>Item</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Discharge Monitoring Reports (DMR)</td>
<td>DMRs are due monthly and must be submitted on or before the 20th day of the month following the monitoring month (see III.B).</td>
</tr>
<tr>
<td>2. Quality Assurance Plan (QAP)</td>
<td>The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented by January 31, 2017 (see II.C). The Plan must be kept on site and made available to EPA and IDEQ upon request.</td>
</tr>
<tr>
<td>3. Operation and Maintenance (O&amp;M) Plan</td>
<td>The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented by January 31, 2017 (see II.B). The Plan must be kept on site and made available to EPA and IDEQ upon request.</td>
</tr>
<tr>
<td>4. NPDES Application Renewal</td>
<td>The application must be submitted by May 4, 2021 (see V.B).</td>
</tr>
<tr>
<td>5. Compliance Schedule</td>
<td>Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date (see III.K).</td>
</tr>
<tr>
<td>6. Twenty-Four Hour Notice of Noncompliance Reporting</td>
<td>The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See III.G and I.B.2).</td>
</tr>
<tr>
<td>7. Local Limits Evaluation</td>
<td>By October 31, 2017, the permittee must submit to EPA a complete local limits evaluation pursuant to 40 CFR 403.5(c)(1) (See II.A.5).</td>
</tr>
<tr>
<td>8. Annual Pretreatment Report</td>
<td>The Report must be submitted to the pretreatment coordinator no later than November 1st of each calendar year (See II.A.9).</td>
</tr>
<tr>
<td>9. Emergency Response and Public Notification Plan</td>
<td>The permittee must develop and implement an overflow emergency response and public notification plan. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented by April 30, 2017 (See II.D).</td>
</tr>
<tr>
<td>10. Mercury Minimization Plan</td>
<td>Written notice must be submitted to the EPA and the IDEQ that the plan has been developed and implemented by April 30, 2017 (See I.F).</td>
</tr>
</tbody>
</table>
Table of Contents

Schedule of Submissions ................................................................................. 2

I. Limitations and Monitoring Requirements .................................................. 5
   A. Discharge Authorization ......................................................................... 5
   B. Effluent Limitations and Monitoring ...................................................... 5
   C. Schedules of Compliance ....................................................................... 10
   D. Whole Effluent Toxicity Testing Requirements ..................................... 15
   E. Surface Water Monitoring ...................................................................... 19
   F. Methylmercury Requirements – Mercury Minimization Plan .................. 21
   G. Methylmercury Requirements – Fish Tissue Sampling .......................... 22

II. Special Conditions ....................................................................................... 24
   A. Pretreatment Requirements .................................................................... 24
   B. Operation and Maintenance Plan ............................................................ 31
   C. Quality Assurance Plan (QAP) ................................................................. 31
   D. Emergency Response and Public Notification Plan ............................... 32

III. Monitoring, Recording and Reporting Requirements ............................... 32
   A. Representative Sampling (Routine and Non-Routine Discharges) ............ 32
   B. Reporting of Monitoring Results ............................................................ 33
   C. Monitoring Procedures .......................................................................... 34
   D. Additional Monitoring by Permittee ....................................................... 34
   E. Records Contents .................................................................................. 34
   F. Retention of Records ............................................................................. 35
   G. Twenty-four Hour Notice of Noncompliance Reporting ......................... 35
   H. Other Noncompliance Reporting ............................................................. 36
   I. Public Notification .................................................................................. 36
   J. Notice of New Introduction of Toxic Pollutants ........................................ 36
   K. Compliance Schedules ........................................................................... 37

IV. Compliance Responsibilities ........................................................................ 37
   A. Duty to Comply ....................................................................................... 37
   B. Penalties for Violations of Permit Conditions ......................................... 37
   C. Need To Halt or Reduce Activity not a Defense ....................................... 39
   D. Duty to Mitigate ...................................................................................... 39
   E. Proper Operation and Maintenance ....................................................... 39
   F. Bypass of Treatment Facilities ............................................................... 39
   G. Upset Conditions ................................................................................... 40
   H. Toxic Pollutants ...................................................................................... 40
   I. Planned Charges ...................................................................................... 41
   J. Anticipated Noncompliance .................................................................... 41
   K. Reopener ................................................................................................. 41

V. General Provisions ....................................................................................... 41
   A. Permit Actions ......................................................................................... 41
I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Indian Creek, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

1. The permittee must limit and monitor discharges from outfall 001 as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>Effluent Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Average Monthly Limit</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Average Weekly Limit</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Daily Limit</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sample Location</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sample Frequency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sample Type</td>
<td></td>
</tr>
<tr>
<td>Flow</td>
<td>mgd</td>
<td>Report</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>continuous recording</td>
</tr>
<tr>
<td>Temperature Until October 31, 2017</td>
<td>°C</td>
<td>—</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Report</td>
<td>5/week11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Report</td>
<td>grab11</td>
</tr>
<tr>
<td>Temperature After November 1, 2017 (July - September)</td>
<td>°C</td>
<td>See Table 2 and Notes 7 and 8.</td>
<td>Effluent</td>
</tr>
<tr>
<td>Temperature After November 1, 2017 (October - June)</td>
<td>°C</td>
<td>See Notes 7 and 8.</td>
<td>Effluent</td>
</tr>
<tr>
<td>Biochemical Oxygen Demand (BODs)</td>
<td>mg/L</td>
<td>30 45 —</td>
<td>Influent and Effluent</td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>4504 6755 —</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td>% removal</td>
<td>85% (minimum) —</td>
<td>% removal</td>
</tr>
<tr>
<td>Total Suspended Solids (TSS)</td>
<td>mg/L</td>
<td>30 45 —</td>
<td>Influent and Effluent</td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>4503 6755 —</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td>% removal</td>
<td>85% (minimum) —</td>
<td>% removal</td>
</tr>
<tr>
<td>pH10</td>
<td>s.u.</td>
<td>6.5 - 9.0 at all times</td>
<td>Effluent</td>
</tr>
<tr>
<td>E. Coli Bacteria</td>
<td>#/100 ml</td>
<td>126 (geometric mean) —</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>576 (instantaneous max.) —</td>
<td></td>
</tr>
<tr>
<td>Phosphorus, Total as P (May - September)</td>
<td>μg/L</td>
<td>Report —</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>15 Report —</td>
<td>Effluent</td>
</tr>
<tr>
<td>Phosphorus, Total as P (October - April)</td>
<td>μg/L</td>
<td>Report —</td>
<td>Effluent</td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>52.6 Report —</td>
<td>Effluent</td>
</tr>
<tr>
<td>Phosphorus, Soluble Reactive</td>
<td>mg/L</td>
<td>Report —</td>
<td>Effluent</td>
</tr>
<tr>
<td>Parameter</td>
<td>Units</td>
<td>Effluent Limits</td>
<td>Monitoring Requirements</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------</td>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Phosphorus, Total as P (Year-Round)</td>
<td>mg/L</td>
<td>Report</td>
<td>Influent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Report</td>
<td>24-hr. comp.</td>
</tr>
<tr>
<td>Ammonia, Total as N² (March – November)</td>
<td>lb/day</td>
<td>197 — 739</td>
<td>Effluent 2/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>797</td>
<td>calculation</td>
</tr>
<tr>
<td>Ammonia, Total as N² (December – February)</td>
<td>lb/day</td>
<td>212 — 797</td>
<td>Effluent 2/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>797</td>
<td>calculation</td>
</tr>
<tr>
<td>Chlorine, Total Residual (March – November)</td>
<td>µg/L</td>
<td>9.2 — 18</td>
<td>Effluent 5/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.7</td>
<td>grab</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.7</td>
<td>calculation</td>
</tr>
<tr>
<td>Chlorine, Total Residual (December – February)</td>
<td>µg/L</td>
<td>9.6 — 19</td>
<td>Effluent 5/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.9</td>
<td>grab</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.9</td>
<td>calculation</td>
</tr>
<tr>
<td>Copper, Total Recoverable (April – October)</td>
<td>µg/L</td>
<td>10.7 — 23.1</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.5</td>
<td>calculation</td>
</tr>
<tr>
<td>Copper, Total Recoverable (November – March)</td>
<td>µg/L</td>
<td>17.8 — 38.5</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.7</td>
<td>calculation</td>
</tr>
<tr>
<td>Copper, Total Recoverable (Year-Round)</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent 2/year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Cyanide, Weak Acid Dissociable (March – November)</td>
<td>µg/L</td>
<td>4.75 — 9.53</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.4</td>
<td>See I.B.8.</td>
</tr>
<tr>
<td>Cyanide, Weak Acid Dissociable (December – February)</td>
<td>µg/L</td>
<td>4.96 — 9.96</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5</td>
<td>See I.B.8.</td>
</tr>
<tr>
<td>Cyanide, Weak Acid Dissociable (Year-Round)</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent 2/year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Dissolved Oxygen</td>
<td>mg/L</td>
<td>6.0 minimum</td>
<td>Effluent 5/week</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td>grab</td>
</tr>
<tr>
<td>Mercury, Total Recoverable (March – November)</td>
<td>µg/L</td>
<td>0.011 — 0.022</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.0033</td>
<td>24-hr. comp.</td>
</tr>
<tr>
<td>Mercury, Total Recoverable (December – February)</td>
<td>µg/L</td>
<td>0.011 — 0.023</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.0035</td>
<td>24-hr. comp.</td>
</tr>
<tr>
<td>Floating, suspended or submerged matter</td>
<td></td>
<td>See Part I.B.3.</td>
<td>1/month</td>
</tr>
<tr>
<td>Mercury, Total (Year-Round)</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Nitrate + Nitrile</td>
<td>mg/L</td>
<td>Report</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Total Kjeldahl Nitrogen</td>
<td>mg/L</td>
<td>Report</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Arsenic, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent &amp; Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2/year</td>
<td></td>
</tr>
<tr>
<td>Cadmium, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent &amp; Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2/year</td>
<td></td>
</tr>
<tr>
<td>Chromium, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent &amp; Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2/year</td>
<td></td>
</tr>
<tr>
<td>Chromium VI, Dissolved</td>
<td>µg/L</td>
<td>Report</td>
<td>Influent, &amp; Effluent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2/year</td>
<td></td>
</tr>
<tr>
<td>Conductivity</td>
<td>µmhos/cm</td>
<td>Report</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Dissolved Organic Carbon (DOC)</td>
<td>mg/L</td>
<td>Report</td>
<td>Effluent 1/month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24-hr. comp.</td>
<td></td>
</tr>
<tr>
<td>Parameter</td>
<td>Units</td>
<td>Effluent Limitations</td>
<td>Monitoring Requirements</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-------</td>
<td>----------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Average Monthly Limit</td>
<td>Average Weekly Limit</td>
</tr>
<tr>
<td>Hardness, Total&lt;sup&gt;10&lt;/sup&gt;</td>
<td>mg/L as CaCO&lt;sub&gt;3&lt;/sub&gt;</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Lead, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Molybdenum, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Nickel, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Selenium, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Silver, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Whole Effluent Toxicity</td>
<td>TU&lt;sub&gt;e&lt;/sub&gt;</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>Zinc, Total Recoverable</td>
<td>µg/L</td>
<td>Report</td>
<td>—</td>
</tr>
<tr>
<td>NPDES Application Form 2A Expanded Effluent Testing</td>
<td>—</td>
<td>See I.B.9.</td>
<td>Effluent</td>
</tr>
</tbody>
</table>

1. The average monthly E. Coli bacteria counts must not exceed a geometric mean of 126/100 ml based on samples taken every 3-7 days within a calendar month. See Part V for a definition of geometric mean.
2. Reporting is required within 24 hours from the time the permittee becomes aware of a maximum daily limit or instantaneous maximum limit violation. See Parts I.B.2 and III.G.
3. Sampling must be conducted twice per year, once during the period from April 1 through October 31, and once during the period from November 1 through March 31 each year. For each twice-per-year sampling event, the permittee must collect three 24-hour composite samples within a calendar week. The permittee must report the results of sampling for these parameters on the March and October DMRs and in the pretreatment annual report required by Part II.A.9 of this permit.
4. These effluent limits are subject to a compliance schedule. See I.C.
5. Sampling must take place at least once during each of the following seasons: December – February and March – November. See I.D.
7. Temperature data must be recorded using micro-recording temperature devices known as thermistors. Set the recording device to record at one-hour intervals. Report the following temperature monitoring data on the DMR: monthly instantaneous maximum, maximum daily average, seven-day running average of the daily instantaneous maximum.
8. Use the temperature device manufacturer’s software to generate (export) a spreadsheet or text file. The file must be submitted monthly to the EPA as an electronic attachment to the City’s DMRs (see Part III.B.1.b.). The files for the previous monitoring year must also be submitted annually to IDEQ by January 31. The placement logs must be submitted annually to the EPA and IDEQ by January 31 for the previous monitoring year. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.
10. Samples for dissolved organic carbon, pH, hardness, conductivity and copper must be collected on the same day.
11. Grab samples for temperature must be taken between 4:00 PM and 6:00 PM.
Table 2: Effluent Limits for Temperature

<table>
<thead>
<tr>
<th>Season</th>
<th>Units</th>
<th>Maximum Daily Limit</th>
<th>Instantaneous Maximum Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>July²</td>
<td>°C</td>
<td>19.0</td>
<td>—</td>
</tr>
<tr>
<td>August²</td>
<td>°C</td>
<td>19.0</td>
<td>22.8</td>
</tr>
<tr>
<td>September²</td>
<td>°C</td>
<td>19.7</td>
<td>—</td>
</tr>
</tbody>
</table>

1. The maximum daily limit is the highest allowable average temperature measured over a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling.
2. These effluent limits are subject to a compliance schedule. See I.C.

2. The permittee must report within 24 hours from the time the permittee becomes aware of any violation of the maximum daily or instantaneous maximum limits for the following pollutants: Total ammonia as N, total recoverable copper, weak acid dissociable cyanide, total recoverable mercury, and E. coli. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B. and III.H.).

3. Narrative limitations for floating, suspended or submerged matter:
   a) The permittee must not discharge floating, suspended, or submerged matter of any kind in amounts causing nuisance or objectionable conditions or that may impair designated beneficial uses of the receiving water.
   b) The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA or IDEQ upon request. The log must note, as a binary, yes/no response, whether there is presence of floating, suspended or submerged matter and include a photograph taken at the time of observation.

4. Removal Requirements for BOD₅ and TSS: The monthly average effluent concentration must not exceed 15 percent of the monthly average influent concentration. Percent removal of BOD₅ and TSS must be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal must be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month. Influent and effluent samples must be taken over approximately the same time period.

5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.

6. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
   a) Parameters with an effluent limit: The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Table 1 Effluent Limitations and Monitoring Requirements.
   b) Parameters that do not have an effluent limit.
(i) The permittee must use a method that detects and quantifies the level of the pollutant, or

(ii) The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A. Minimum Levels.

c) For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.

d) See also Part III.C Monitoring Procedures.

7. For purposes of calculating monthly averages, except for E. coli, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of the ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

8. Influent and effluent sampling for cyanide must be conducted as follows. Eight discrete grab samples must be collected over a 24-hour day. Each grab sample must be at least 100 ml. Prior to compositing, any interferences must be removed or suppressed and the individual grab samples must be preserved as specified in Table II of 40 CFR 136.3. The grab samples can then be composited into a larger container to allow for one analysis for the day. The composited sample must also be preserved as specified in Table II of 40 CFR 136.3.

9. The permittee must perform the effluent testing required by Part D of NPDES application Form 2A (EPA Form 3510-2A, revised 1-99). The permittee must submit the results of this testing with its application for renewal of this NPDES permit. To the extent that effluent monitoring required by other conditions of this permit satisfies this requirement, these samples may be used to satisfy the requirements of this paragraph.

10. The effluent limits for total residual chlorine are not quantifiable using EPA approved analytical methods. EPA will use the Minimum Level (ML) as the compliance evaluation level for total residual chlorine. The permittee will be compliant with the total residual chlorine limitations if the average monthly and maximum daily chlorine concentrations and mass loadings are less than specified below:

   a) Until 1 year after the effective date of the final permit: The permittee will be compliant with the total residual chlorine limitations if the average monthly and maximum daily chlorine concentrations are less than 100 µg/L and the average monthly and maximum daily mass discharges of chlorine are less than 15 lb/day

   b) After 1 year after the effective date of the final permit: The permittee will be compliant with the total residual chlorine limitations if the average monthly and maximum daily chlorine concentrations are less than 50 µg/L and the
average monthly and maximum daily mass discharges of chlorine are less than 7.5 lb/day.

11. The effluent limits for weak acid dissociable cyanide are not quantifiable using EPA approved analytical methods. EPA will use 10 μg/L (the Minimum Level) as the compliance evaluation level for weak acid dissociable cyanide. The permittee will be compliant with the weak acid dissociable cyanide limitations if the average monthly and maximum daily weak acid dissociable cyanide concentrations are less than 10 μg/L and the average monthly and maximum daily mass discharges of weak acid dissociable cyanide are less than 1.5 lb/day.

C. Schedules of Compliance

1. The permittee must comply with all effluent limitations and monitoring requirements in Part I.B beginning on the effective date of this permit, except those for which a compliance schedule is specified in Part I.C.2.

2. A schedule of compliance is authorized only for the following effluent limits:
   a) Total recoverable mercury
   b) Total phosphorus
   c) Total recoverable copper
   d) Temperature

3. While the schedules of compliance are in effect, the City of Nampa must comply with the following interim requirements:
   a) Monitoring requirements in Part I.B.
   b) Until compliance with the final effluent limitations is achieved, the permittee must complete the tasks listed in Table 3.
   c) For TP and mercury, the permittee must comply with the interim effluent limitations in Table 4.
   d) The Permittee must submit an annual progress report outlining overall progress made toward reaching the final compliance dates for TP, temperature, mercury, and copper. The annual report of progress must be submitted to DEQ and EPA by December 31st of each year. The first report is due December 31, 2016, and annually thereafter until compliance with the final effluent limits is achieved. At a minimum, the annual progress report must include:
      (i) An assessment of the previous year’s TP, temperature, mercury and copper data and comparison to the final effluent limitations in the Permit.
      (ii) A description of progress made towards meeting the final effluent limitations, including the applicable deliverables required under the tasks in Table 3 and parts I.C.3.d and I.C.3.e, below. Include any exceedances of interim Permit limits or anticipated challenges for
compliance within the next year. This may include a technological explanation and/or a request to modify the Permit.

(iii) Further actions and milestones targeted for the upcoming year.

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Deadline</th>
<th>Task Activity and Deliverable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>December 31, 2016 and annually thereafter</td>
<td>Report of Progress: The Permittee must submit an annual progress report outlining the overall progress made toward reaching the final compliance dates for TP, temperature, mercury, and copper. Deliverable: The annual report of progress must be submitted to DEQ and EPA by December 31st of each year. The first report is due December 31, 2016, and annually thereafter until compliance with the final effluent limits is achieved.</td>
</tr>
<tr>
<td>2</td>
<td>December 31, 2019</td>
<td>Wastewater Facility Upgrades: Phase I Upgrades include the following: - Modifications and additions to the existing secondary treatment system such that it is capable of biological phosphorus removal. - Installation of a new Primary Effluent Pump Station. - New Primary Anaerobic Digester. - New Solids Handling Facility with rotary drum thickeners and dewatering centrifuges Deliverable: The permittee must submit by December 31, 2019 a written notice to DEQ and EPA stating that the applicable modifications are constructed and operational.</td>
</tr>
<tr>
<td>3</td>
<td>May 1, 2020</td>
<td>Achieve May-September TP interim limit not to exceed 0.5 mg/L (monthly average).</td>
</tr>
<tr>
<td>4</td>
<td>October 1, 2020</td>
<td>Achieve October-April TP interim limit not to exceed 1.5 mg/L (seasonal average).</td>
</tr>
<tr>
<td>5</td>
<td>See Below</td>
<td>Evaluate options available to achieve final effluent limitations including, but not limited to, treatment plant upgrades, effluent trading projects, seasonal re-use, and infiltration.</td>
</tr>
<tr>
<td>5A</td>
<td>December 31, 2020</td>
<td>Deliverable: No later than December 31, 2020, the permittee must submit to EPA and DEQ written notice of its decision on the final option that will be used to achieve the final effluent limits for TP, mercury and copper.</td>
</tr>
<tr>
<td>5B:</td>
<td>December 31, 2022</td>
<td>Deliverable: No later than December 31, 2022, the permittee must provide, in writing, to DEQ and EPA, a preliminary schedule of design upgrades and a preliminary construction schedule that will be used to achieve compliance with the final limits.</td>
</tr>
</tbody>
</table>
Table 3: Tasks Required Under the Schedules of Compliance for TP, Temperature, Mercury and Copper

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Deadline</th>
<th>Task Activity and Deliverable</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>September 30, 2026</td>
<td>Implement selected option(s) to achieve final effluent limitations for TP, mercury and copper. Dependent on the option(s) selected, tasks will include:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Securing funds for treatment facility upgrades.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Submission of a final schedule of design upgrades.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Submission to IDEQ and approval by IDEQ of final engineering plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Completion of construction.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Commissioning of facility upgrades.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Submission and approval of an alternative mitigation plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Implementation of alternative mitigation plan.</td>
</tr>
<tr>
<td>7</td>
<td>September 30, 2026</td>
<td>No later than August 31, 2026, the permittee must be in compliance with the final TP, mercury and copper effluent limits. The permittee must notify DEQ and EPA in writing when the final effluent limit is achieved.</td>
</tr>
<tr>
<td>8</td>
<td>September 30, 2031</td>
<td>No later than August 31, 2031, the permittee must be in compliance with the final temperature effluent limits. The permittee must notify DEQ and EPA in writing when the final effluent limit is achieved.</td>
</tr>
</tbody>
</table>

Table 4: Interim Effluent Limitations and Schedule for TP and Mercury

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Unit</th>
<th>Average Monthly Limit</th>
<th>Maximum Daily Limit</th>
<th>Season</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>mg/L</td>
<td>Seasonal Average</td>
<td>May 1 – September 30</td>
<td>Until September 30, 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Limit (^{1,2,})</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>lb/day</td>
<td>Seasonal Average</td>
<td>May 1 – September 30</td>
<td>May 1, 2020 until final</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Limit (^{1,2,})</td>
<td></td>
<td>limit is achieved.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>961</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mg/L</td>
<td>0.50</td>
<td>—</td>
<td>May 1 – September 30</td>
<td>May 1, 2020 until final</td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>75</td>
<td>—</td>
<td></td>
<td>limit is achieved.</td>
</tr>
<tr>
<td></td>
<td>mg/L</td>
<td>Seasonal Average</td>
<td>October 1 – April 30</td>
<td>October 1, 2020 until</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Limit (^{1,2,})</td>
<td></td>
<td>final limit is achieved.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>Seasonal Average</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Limit (^{1,2,})</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>225</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercury, Total</td>
<td>mu/L</td>
<td>0.024</td>
<td>—</td>
<td>Year-round</td>
<td>Until September 30, 2026</td>
</tr>
<tr>
<td></td>
<td>lb/day</td>
<td>0.0036</td>
<td>—</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. The seasonal average total phosphorus concentration and load must be calculated as the sum of all daily discharges measured for total phosphorus during the listed season, divided by the number of daily discharges measured for total phosphorus during that season.
2. The seasonal average total phosphorus concentrations and loads must be reported on the DMRs for the last months of the corresponding seasons.

(e) Additional Compliance Schedule Tasks for Temperature: The permittee must comply with the following Compliance Schedule requirements for temperature and complete the tasks and reports described below:
(i) No later than December 31, 2017 submit written notice to EPA and DEQ that it has permanently taken out of service one of the existing trickling filters at the Nampa WWTP.

(ii) Within fifteen months of the completion of the Phase I Upgrades, complete collection of one year of continuous temperature monitoring data and submit a report to DEQ and EPA including an evaluation of the effect of removal of one trickling filter and Phase 1 upgrades on effluent temperature.

(iii) No later than December 31, 2023, complete and submit to EPA and DEQ an evaluation of alternatives that the City may use to achieve the final temperature effluent limits. The evaluation should at a minimum consider: facility improvements, removal of trickling filters, alternative discharge locations, re-use of effluent and possible trading mechanisms such as offsite mitigation, including wetland and habitat restoration.

(iv) Starting in 2024, and continuing until final effluent limits are achieved, the permittee must submit a Report of Progress to EPA and DEQ detailing the evaluation of each available option, progress made toward achieving the final effluent limitation, and the series of actions that will be taken in the coming year. The Reports must be submitted by December 31st of each year.

(v) No later than June 30, 2025, the City must provide DEQ and EPA with a preliminary schedule of design upgrades and preliminary construction schedules for any additional treatment that will be used to achieve compliance with the final temperature effluent limits.

(vi) No later than June 30, 2026 the City must complete the preliminary design of any planned facility upgrades and/or a preliminary plan and schedule for an alternative temperature mitigation approach, which will address the City's effluent temperature limit. The preliminary design and/or plan will select the specific technology/technologies/activities to be used to meet the effluent temperature limits based on the previously completed alternatives evaluation.

(vii) No later than December 31, 2027, the City must complete and receive DEQ approval of the final design of any facility upgrades and/or alternative temperature mitigation plan to address the effluent temperature limits.

(viii) No later than December 31, 2029, the City must submit written notification to EPA and DEQ that it has completed construction of the facility upgrades at the Nampa WWTP and/or implement an alternative temperature mitigation plan.

(ix) No later than September 30, 2031, the permittee must be compliance with the final effluent limits for temperature. The permittee must
notify DEQ and EPA in writing when the final effluent limit is achieved.

f) Additional Compliance Schedule Tasks for Copper: The permittee must comply with the following compliance schedule requirements for copper and complete the tasks and reports described below:

(i) No later than December 31, 2019 submit to EPA and DEQ written notice that it has completed a wastewater characterization to determine sources of copper within the City's service area. This wastewater characterization will be completed in annual phases focused on different contributors within the City's wastewater system. The phases will continue until a likely source of copper has been determined in the system. The planned annual focus areas are noted below.

(a) Significant industrial users.
(b) Significant (categorical) industrial users.
(c) Minor industrial users, insignificant wet (ISW) and insignificant dry (ISD).
(d) Other commercial and residential customers.

(ii) No later than June 30, 2020, the City must submit a letter to DEQ if the City determines that no facility improvements or operational changes are necessary to meet the final effluent limits based on the results of the wastewater characterization.

(iii) No later than December 31, 2021 submit to EPA and DEQ written notice that it has completed an evaluation of alternative methods the City may use to achieve the final copper effluent limits, if necessary. The evaluation should consider facility improvements and pretreatment controls. The evaluation will be integrated in the City's TP alternatives evaluation as several of the proposed discharge options may impact the effluent copper concentrations.

(iv) No later than December 31, 2022, the City must provide to EPA and DEQ a preliminary schedule of design upgrades and preliminary construction schedules for the approach that will be used to achieve compliance with the final limits if facility improvements are necessary.

(v) If design upgrades are necessary to meet final copper effluent limitations, then by December 31, 2023 and of each year thereafter the permittee must provide a Report of Progress to DEQ and EPA which details the progress made toward achieving the final effluent limitation, and the series of actions that will be taken in the coming year.

(vi) No later than September 30, 2026, the permittee must be in compliance with the final effluent limits for copper. The permittee must notify DEQ and EPA in writing when the final effluent limit is achieved.
D. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from outfall 001. Testing must be conducted in accordance with subsections 1 through 10, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Part I.B, above, with a required effluent sampling frequency of once per month or more frequently, using the sample type required in Part I.B. For parameters for which grab samples are required in Part I.B, grab samples must be taken during the same 24-hour period as the 24-hour composite sample used for the toxicity tests. When the timing of sample collection coincides with that of the sampling required in Part I.B, analysis of the split sample will fulfill the requirements of Part I.B as well.

2. Chronic Test Species and Methods
   a) Chronic tests must be conducted twice per year. Sampling must take place at least once during each of the following seasons: December – February and March – November.
   
   b) The permittee must conduct short-term tests with the water flea, Ceriodaphnia dubia (survival and reproduction test), the fathead minnow, Pimephales promelas (larval survival and growth test), and a green alga, Selenastrum capricornutum (growth test) for the first three suites of tests. After this screening period, monitoring must be conducted using the most sensitive species, which is defined below.

   (i) The most sensitive species is the species which, during the screening period, produces the greatest maximum toxicity result in chronic toxic units (TU<sub>c</sub>), which is defined in Part I.D.2.d, below.

   (ii) If all three species produce the identical maximum toxicity result (including no toxicity in 100% effluent) the permittee must use Ceriodaphnia dubia for subsequent tests.

   (iii) If two species produce the identical maximum toxicity result, which is greater than 1.0 TU<sub>c</sub> and also greater than the maximum toxicity result of the third species, the permittee may use either of the two species producing the greater maximum toxicity result for subsequent tests.


   d) Results must be reported in TU<sub>c</sub> (chronic toxic units), which is defined as follows:

   (i) For survival endpoints, TU<sub>c</sub> = 100/NOEC.

   (ii) For all other test endpoints, TU<sub>c</sub> = 100/IC<sub>25</sub>.
(iii) IC$_{25}$ means "25% inhibition concentration." The IC$_{25}$ is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

(iv) NOEC means "no observed effect concentration." The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

3. Quality Assurance

a) The toxicity testing on each organism must include a series of six test dilutions and a control. The dilution series must include 100%, 50%, 25%, 12.5%, and 6.25% effluent and the receiving water concentration (RWC). The RWCs are:

(i) 90% effluent for March – November.

(ii) 86% effluent for December – February.

b) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.

c) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

(i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.

(ii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.

(iii) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA and DEQ. In no case shall water that has not met test acceptability criteria be used for either dilution or control.
4. Reporting
   a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMRs). Results must be reported on the DMRs for the last month of the season in which the samples were taken.
   b) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; effluent flow rate at the time of sample collection; and the results of the monitoring required in Part I.B of this permit, for parameters with a required monitoring frequency of once per month or more frequently.

5. Preparation of initial investigation toxicity reduction evaluation (TRE) workplan: Within 90 days of the effective date of this permit, the permittee must submit to EPA a copy of the permittee's initial investigation TRE workplan. This plan shall describe the steps the permittee intends to follow in the event that chronic toxicity is detected at levels greater than the triggers in Part I.D.6 of this permit, and must include at a minimum:
   a) A description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;
   b) A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and
   c) If a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).
   d) The initial investigation TRE workplan must be sent to the following address:
      US EPA Region 10
      Attn: NPDES WET Coordinator
      1200 Sixth Avenue
      Suite 900 OWW-191
      Seattle, WA 98101-3140

6. Accelerated testing
   a) The chronic toxicity triggers are:
      (i) 1.12 TU_c for March – November.
      (ii) 1.17 TU_c for December – February.

7. If chronic toxicity is detected above the chronic toxicity triggers in Part I.D.6.a:
   a) The permittee must conduct six more bi-weekly (every two weeks) chronic toxicity tests, over a 12-week period. This accelerated testing shall be
initiated within 10 calendar days of receipt of the test results indicating the initial exceedance.

b) The permittee must notify EPA of the exceedance in writing at the address in Part I.D.5.d, above, within 5 calendar days of receipt of the test results indicating the exceedance. The notification must include the following information:

(i) A status report on any actions required by the permit, with a schedule for actions not yet completed.

(ii) A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.

(iii) Where no actions have been taken, a discussion of the reasons for not taking action.

c) If none of the six accelerated chronic toxicity tests required under Part I.D.7.a exceed the applicable chronic toxicity trigger in Part I.D.6 of this permit, the permittee may return to the regular chronic toxicity testing cycle specified in Part I.D.2.a.

d) If any of the six accelerated chronic toxicity tests required under Part I.D.7.a exceed the applicable chronic toxicity trigger in Part I.D.6 of this permit, then the permittee must implement the initial investigation TRE workplan as described in Part I.D.8.

8. Implementation of Initial Investigation TRE Workplan

a) The permittee must implement the initial investigation TRE workplan within 48 hours of the permittee’s receipt of the accelerated toxicity test result demonstrating an exceedance of the applicable chronic toxicity trigger in Part I.D.6 of this permit.

(i) If implementation of the initial investigation workplan clearly identifies the source of toxicity to the satisfaction of EPA (e.g., a temporary plant upset), the permittee may return to the regular chronic toxicity testing cycle specified in Part I.D.2.a.

(ii) If implementation of the initial investigation workplan does not clearly identify the source of toxicity to the satisfaction of EPA, then the permittee must begin implementation of further toxicity reduction evaluation (TRE) requirements in part I.D.9 below.

9. Detailed TRE/TIE

a) If implementation of the initial investigation workplan does not clearly identify the source of toxicity to the satisfaction of EPA, then, in accordance with the permittee’s initial investigation workplan and EPA manual EPA 833-B-99-002 (Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants), the permittee must develop as expeditiously as possible a more detailed TRE workplan, which includes:

(i) Further actions to investigate and identify the cause of toxicity;
(ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

(iii) A schedule for these actions.

b) The permittee may initiate a TIE as part of the overall TRE process described in the EPA acute and chronic TIE manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).

c) If the detailed TRE/TIE clearly identifies the source of toxicity to the satisfaction of EPA, the permittee may return to the regular chronic toxicity testing cycle specified in Part I.D.2.a.

10. Inconclusive TRE/TIE

a) If the detailed TRE described in Part I.D.9 is inconclusive, the permittee must conduct six bi-weekly (every two weeks) chronic toxicity tests, over a 12-week period. This accelerated testing shall be initiated within 10 calendar days of completing the detailed TRE/TIE.

b) If none of the six accelerated chronic toxicity tests required under Part I.D.10.a exceed the applicable chronic toxicity trigger in Part I.D.6 of this permit, the permittee may return to the regular chronic toxicity testing cycle specified in Part I.D.2.a.

c) If any of the six accelerated chronic toxicity tests required under Part I.D.10.a exceed the applicable chronic toxicity trigger in Part I.D.6 of this permit, then the permittee must repeat the TRE/TIE process described in Part I.D.9.

E. Surface Water Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start by January 31, 2017 and continue for as long as this permit remains in effect. The program must meet the following requirements:

1. Monitoring stations must be established in Indian Creek at the following locations:

   a) Above the influence of the facility's discharge.

   b) Below the facility's discharge, at a point where the effluent and Indian Creek are completely mixed.

2. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.

3. All ambient samples must be grab samples, except the following:

   a) Temperature, which must be monitored using weekly grab samples until 1 year after the effective date of the final permit, with continuous monitoring thereafter.

   b) pH, and dissolved oxygen, which must be monitored continuously.

4. For all receiving water monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
a) The method must detect and quantify the level of the pollutant, or

b) The permittee must use a method that can achieve MLs less than or equal to those specified in Appendix A. The permittee may request different MLs. The request must be in writing and must be approved by EPA.

5. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part II.B., "Quality Assurance Plan".

6. Submission of SW Monitoring

a) Surface water monitoring results must be reported on the monthly DMR.

The permittee must submit all surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and IDEQ by January 31\textsuperscript{st} of the following year and with the application (see Part V.B. of this permit, Duty to Reapply). The file must be in the format of one analytical result per row and include the following information: name and contact information of laboratory, sample identification number, sample location in latitude and longitude (decimal degrees format), or other real-world coordinate system (e.g., State Plane), method of location determination (i.e., GPS, survey etc.), date and time of sample collection, water quality parameter (or characteristic being measured), analysis result, result units, detection limit and definition (i.e., MDL etc.), analytical method, date completed, and any applicable notes.

<table>
<thead>
<tr>
<th>Parameter and Units</th>
<th>Upstream Sampling Frequency</th>
<th>Downstream Sampling Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow, CFS</td>
<td>1/week</td>
<td></td>
</tr>
<tr>
<td>BOD\textsubscript{5}, mg/L</td>
<td>1/month</td>
<td></td>
</tr>
<tr>
<td>Dissolved Oxygen, mg/L</td>
<td>Continuous\textsuperscript{1}</td>
<td>Continuous\textsuperscript{1}</td>
</tr>
<tr>
<td>Total Phosphorus, µg/L</td>
<td>1/month</td>
<td>1/month</td>
</tr>
<tr>
<td>Total Nitrogen, mg/L</td>
<td>1/month</td>
<td>1/month</td>
</tr>
<tr>
<td>Chlorophyll a, µg/L</td>
<td>1/month</td>
<td>1/month</td>
</tr>
<tr>
<td>Temperature, °C</td>
<td>1/week\textsuperscript{3}</td>
<td>1/week\textsuperscript{3}</td>
</tr>
<tr>
<td>Until 1 year after the effective date of the final permit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temperature, °C</td>
<td>Continuous</td>
<td>Continuous</td>
</tr>
<tr>
<td>After 1 year after the effective date of the final permit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH, standard units</td>
<td>Continuous\textsuperscript{1}</td>
<td>Continuous\textsuperscript{1}</td>
</tr>
<tr>
<td>Turbidity, NTU</td>
<td>1/week</td>
<td>1/week</td>
</tr>
<tr>
<td>Hardness as CaCO\textsubscript{3}, mg/L</td>
<td></td>
<td>1/month</td>
</tr>
<tr>
<td>Arsenic, total recoverable, µg/L</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
<tr>
<td>Cadmium, dissolved, µg/L</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
<tr>
<td>Chromium, all oxidation states, dissolved</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
<tr>
<td>Chromium VI, dissolved</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
<tr>
<td>Conductivity, µmhos/cm</td>
<td></td>
<td>1/quarter\textsuperscript{2}</td>
</tr>
<tr>
<td>Copper, dissolved, µg/L</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
<tr>
<td>Dissolved organic carbon, mg/L</td>
<td></td>
<td>1/quarter\textsuperscript{2}</td>
</tr>
<tr>
<td>Lead, dissolved, µg/L</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
<tr>
<td>Mercury, total recoverable, ng/L</td>
<td>1/quarter\textsuperscript{2}</td>
<td></td>
</tr>
</tbody>
</table>


Table 5: Surface Water Monitoring Requirements

<table>
<thead>
<tr>
<th>Parameter and Units</th>
<th>Upstream Sampling Frequency</th>
<th>Downstream Sampling Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nickel, dissolved, µg/L</td>
<td>1/quarter&lt;sup&gt;2&lt;/sup&gt;</td>
<td>---</td>
</tr>
<tr>
<td>Silver, dissolved, µg/L</td>
<td>1/quarter&lt;sup&gt;2&lt;/sup&gt;</td>
<td>---</td>
</tr>
<tr>
<td>Zinc, dissolved, µg/L</td>
<td>1/quarter&lt;sup&gt;2&lt;/sup&gt;</td>
<td>---</td>
</tr>
</tbody>
</table>

Notes:
1. Continuous monitoring for dissolved oxygen and pH is required during November 1, 2020 - October 31, 2021.
2. Quarters are defined as January – March, April through June, July – September, and October – December. Monitoring results for pollutants with a sample frequency of quarterly must be reported on the March, June, September and December DMRs.
3. Grab samples for temperature must be taken between 4:00 PM and 6:00 PM, and within 1 hour of an effluent sample.

F. Methylmercury Requirements – Mercury Minimization Plan

The permittee must develop and implement a mercury minimization plan that identifies potential sources of mercury and the measures to reduce or eliminate mercury loading. Written notice must be submitted to the EPA and the IDEQ that the plan has been developed and implemented by April 30, 2017. Any existing mercury minimization plan may be modified for compliance with this section. The mercury minimization plan must include the following:

1. A Program Plan which includes the City’s commitments for:
   a) Identification of potential sources of mercury that contribute to discharge concentrations;
   b) Reasonable, cost-effective activities to reduce or eliminate mercury loadings from identified sources;
   c) Tracking mercury source reduction implementation and mercury source monitoring;
   d) Monthly monitoring of POTW effluent;
   e) Twice per year monitoring of POTW influent;
   f) Resources and staffing.

2. Implementation of cost-effective control measures for direct and indirect contributors, and

3. An annual status report submitted to the US EPA, which includes:
   a) A list of potential mercury sources;
   b) A summary of actions taken to reduce or eliminate mercury discharges, with a goal of meeting water quality standards for methylmercury in fish tissue;
   c) Mercury source reduction implementation, mercury source monitoring results, and influent and effluent mercury monitoring results for the previous year;
d) Proposed adjustments to the Program Plan based on findings from the previous year.

G. Methylmercury Requirements – Fish Tissue Sampling

1. Applicability: The Permittee may satisfy the requirements of the Methylmercury Fish Tissue Monitoring program by arranging to participate in a cooperative effort with other NPDES permitted facilities or by developing and submitting an individual Methylmercury Monitoring Plan to the EPA and IDEQ

a) Cooperative Fish Tissue Monitoring: The objective of the cooperative fish tissue monitoring is to collect reliable and more strategically located methylmercury fish tissue data, within a specific geographic area, to determine if fish tissue concentrations of methylmercury are compliant with Idaho’s methylmercury fish tissue criterion of 0.3 mg/kg. The monitoring program may also be used to advise the public on safe levels of fish consumption. The requirements for participation are as follows:

(i) Participation: Arrange to participate in a cooperative effort with other NPDES permitted facilities discharging to the Lower Boise River or to tributaries of the Lower Boise River. For more information, contact the City of Boise Public Works Department.

(ii) Express interest in participating in the cooperative effort, in writing, to the City of Boise Public Works Department by October 31, 2017. The City of Boise is required to identify all participants (e.g., NPDES permitted facilities) funding the fish tissue monitoring program to the EPA. The USGS Monitoring Plan for Mercury in Fish Tissue (Monitoring Plan) must be updated each time a municipality or industrial facility joins the cooperative monitoring program, and the City of Boise must provide notice to the EPA and IDEQ each time a new NPDES permitted facility becomes part of the cooperative monitoring program.

(iii) Follow the USGS Monitoring Plan, developed for the City of Boise and previously approved by the EPA and IDEQ, for the location and number of monitoring stations. Additional NPDES permitted facilities joining this effort can merge with the existing approved sampling schedule. One sample taken at each of the stations on the schedule in the Monitoring Plan will satisfy the monitoring requirements of any individual NPDES permitted facility involved in the cooperative effort.

(iv) All participating NPDES permitted facilities must be named on the required report submitted to the EPA, the IDEQ and the Idaho Fish Consumption Advisory Board, as outlined in the City of Boise NPDES Permit, ID0023981.

b) Individual Methylmercury Monitoring Plan: The objective of an individual facility’s Methylmercury Monitoring Plan is to measure the NPDES discharger’s compliance with Idaho’s methylmercury fish tissue criterion. A
permitted facility may develop and submit an individual Methylmercury Monitoring Plan in lieu of joining the cooperative effort described in 1.a. above. The requirements for the individual Methylmercury Monitoring Plan are as follows:

(i) Participation: Develop and submit a Methylmercury Fish Tissue Monitoring Plan to the Director of the EPA Region 10 Office of Water and Watersheds and to IDEQ for review and approval by October 31, 2017. A failure to obtain approval of the Methylmercury Fish Tissue Monitoring Plan from the IDEQ or the Director of the Office of Water and Watersheds does not relieve the Permittee of the fish tissue monitoring requirements of this Permit.

(ii) Plan Requirements: At a minimum the plan must include the following elements:

(a) Monitoring stations where fish tissue samples will be collected: At least one monitoring station must be located in Indian Creek upstream from the discharge and at least one monitoring station must be located in Indian Creek downstream from the discharge;

(b) Name, address of organization collecting and analyzing fish tissue samples. The organization must have experience in the collection and analysis of methylmercury fish tissue samples.

(c) Develop a sampling plan that specifies sample target species, sample number and size, timing of sample collection, and all essential fish collection, handling, and shipping information for field sampling teams collecting fish. The plan must include a project description, detailed standard operating procedures (SOPs) for fish collection, and instructions for completing field forms and labels and for shipping fish samples. Protocols must be consistent with Chapter 4 of Implementation Guidance for the Idaho Mercury Water Quality Criteria (Idaho Department of Environmental Quality, 2005).

(d) Identify all protocols related to sample preparation methods and analytical methods to be used on samples.

(e) Identify data quality goals for all sample collection and handling activities and describe the Quality Assurance/Quality Control (QA/QC) techniques employed by field teams to support those goals.

(iii) Sample Frequency: Initial sampling must occur by October 31, 2018. Following the initial sampling event, monitoring must occur at least once every 2 years. After three (3) sampling cycles, locations should be sampled once every 5 years. Sample sites will be determined in consultation with IDEQ.

(iv) Water Column Mercury Sampling: At each sample location where fish are collected a surface water sample must be collected and analyzed
for total recoverable mercury using an analytical method which achieves a ML of 0.5 ng/L (0.0005 μg/L) or lower. EPA Guidance recommends Methods 1631E or 245.7 for analyzing mercury in water. This water column mercury sampling is required in addition to the receiving water mercury monitoring required in Part I.E of this Permit.

(v) Reporting Requirements: The Permittee must submit a report which lists the name, address and phone number of the entity collecting and analyzing samples; sample locations; target species used; sample size; time samples were collected; analytical methods used; results, and any other information relevant to the monitoring program. The Permittee must submit the report to the EPA, the IDEQ and the Idaho Fish Consumption Advisory Board by March 31st of the year following sampling.

(vi) Revisions to the Methylmercury Monitoring Plan: Any revisions to the Methylmercury Monitoring Plan must be approved by the IDEQ and the Director of the Office of Water and Watersheds.

II. Special Conditions

A. Pretreatment Requirements

1. Implementation

The permittee must implement its pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in its original approved pretreatment program submission entitled *Pretreatment Program for the City of Nampa, Idaho*, dated February 1982, any program amendments submitted thereafter and approved by EPA, and the general pretreatment regulations (40 CFR 403) and any amendments thereof. At a minimum, the permittee must carry out the following activities:

a) Enforce prohibitive discharge standards as set forth in 40 CFR 403.5(a) and (b), categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act (where applicable), and local limitations and BMPs developed by the permittee in accordance with 40 CFR 403.5(c), whichever are more stringent and are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations must be defined as pretreatment standards under Section 307(d) of the Act.

b) Implement and enforce the requirements of the most recent and EPA-approved portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.

c) Update its inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee must notify these users of applicable pretreatment standards in accordance with 40 CFR 403.8(f)(2)(iii).
d) Issue, reissue, and modify, in a timely manner, industrial wastewater discharge permits to at least all Significant Industrial Users (SIUs) and categorical industrial users. These documents must contain, at a minimum, conditions identified in 40 CFR 403.8(f)(1)(iii), including Best Management Practices, if applicable. The permittee must follow the methods described in its implementation procedures for issuance of individual permits.

e) Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee must retain all records relating to its pretreatment program activities for a minimum of three years, as required by 40 CFR 403.12(o), and must make such records available to EPA upon request. The permittee must also provide public access to information considered effluent data under 40 CFR 2.

f) Establish, where necessary, legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements in 40 CFR Part 403 by industrial users within these jurisdictions. These legally binding agreements must identify the agency responsible for the various pretreatment implementation and enforcement activities in the contributing jurisdiction and outline the specific roles, responsibilities and pretreatment activities of each jurisdiction.

g) Carry out inspections, surveillance, and monitoring of non-domestic users to determine compliance with applicable pretreatment standards and requirements. A complete inspection of all SIUs and sampling of all SIUs' effluent must be conducted at least annually.

h) Require SIUs to conduct wastewater sampling as specified in 40 CFR 403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater but no less than twice per year. Sample collection and analysis must be performed in accordance with 40 CFR 403.12(b)(5)(ii) through (v) and 40 CFR 136. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the permittee must require the User to submit documentation to determine compliance with the Standard. If the permittee elects to conduct all non-domestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this paragraph, and the requirements of 40 CFR 403.12(g)(2).

i) Enforce and obtain remedies for any industrial user noncompliance with applicable pretreatment standards and requirements. This must include timely and appropriate reviews of industrial reports to identify all violations of the user's permit, the local ordinance, and federal pretreatment standards and requirements. Once violations have been uncovered, the permittee must take timely and appropriate action to address the noncompliance. The permittee's
enforcement actions must follow its EPA-approved enforcement response procedures.

j) Publish, at least annually, in a newspaper or newspapers of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of all non-domestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR 403.8 (f)(2)(viii).

k) Maintain adequate staff, funds and equipment to implement its pretreatment program.

l) Conduct an analysis annually to determine whether influent pollutant loadings are approaching the maximum allowable headworks loadings calculated in the permittee's most recent local limits calculations. Any local limits found to be inadequate by this analysis must be revised. The permittee may be required to revise existing local limits or develop new limits if deemed necessary by EPA.

2. Spill Prevention and Slug Discharges

The permittee must implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.

a) Control mechanisms for SIUs must contain requirements to control slug discharges if determined by the POTW to be necessary [40 CFR 403.8(f)(1)(iii)(B)(6)].

b) SIUs must be evaluated for the need for a plan or other action to control slug discharges within 1 year of being designated an SIU. [40 CFR 403.8(f)(2)(vi)].

c) SIUs must notify the POTW immediately of any changes at their facilities affecting the potential for a slug discharge [40 CFR 403.8(f)(2)(vi)].

3. Enforcement Requirement

Whenever EPA finds, on the basis of any available information, that the owner or operator of any source is introducing a pollutant into the POTW in violation of national pretreatment standards, including prohibited discharges, local limits, or categorical standards, or has caused interference or pass through, EPA may notify the owner or operator of the POTW of such violation. If, within 30 days after such notification has been sent by EPA to the POTW, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.

4. Modification of the Pretreatment Program

If the permittee elects to modify any components of its pretreatment program, it must comply with the requirements of 40 CFR 403.18. No substantial program modification, as defined in 40 CFR 403.18(b), may be implemented prior to receiving written authorization from EPA.

5. Local Limits Evaluation
By October 31, 2017, the permittee must submit to EPA a complete local limits
evaluation pursuant to 40 CFR 403.5(c)(1). The study must take into account
water quality in the receiving stream, inhibition levels for biological processes in
the treatment plant, and sludge quality goals. The study must address at least the
following pollutants: total recoverable arsenic, 5-day biochemical oxygen
demand, total recoverable cadmium, total recoverable chromium, chromium VI,
total recoverable copper, cyanide, total recoverable lead, total recoverable
mercury, total recoverable molybdenum, total recoverable nickel, total
recoverable selenium, total recoverable silver, total suspended solids, and total
recoverable zinc and any other pollutants of concern. The permittee must address
total ammonia as N if the POTW accepts indirect discharges of ammonia.
Submitted results of the study must include proposed local limits, maximum
allowable headworks loadings, all supporting calculations, and all assumptions.

6. Control of Undesirable Pollutants

The permittee must not allow introduction of the following pollutants into the
publicly owned treatment works (POTW):

a) Pollutants which will create a fire or explosion hazard in the POTW,
   including, but not limited to, wastestreams with a closed cup flashpoint of less
   than 140 °F or 60 °C using the test methods specified in 40 CFR 261.21;

b) Pollutants which will cause corrosive structural damage to the POTW, but in
   no case indirect discharges with a pH lower than 5.0, unless the POTW is
designed to accommodate such indirect discharges;

c) Solid or viscous pollutants in amounts which will cause obstruction to the
   flow in the POTW (including the collection system) resulting in interference;

d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released
   in an indirect discharge at a flow rate and/or pollutant concentration which
   will cause interference with the POTW;

e) Heat in amounts which inhibit biological activity in the POTW resulting in
   interference, but in no case heat in such quantities that the temperature at the
   POTW treatment plant exceeds 40 °C (104 °F) unless the Regional
   Administrator, upon request of the POTW, approves alternate temperature
   limits;

f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin
   in amounts that will cause interference or pass through;

 g) Pollutants which result in the presence of toxic gases, vapors, or fumes within
    the POTW in a quantity that may cause acute worker health and safety
    problems; and

h) Any trucked or hauled pollutants, except at discharge points designated by the
    POTW.

7. Requirements for Industrial users
The permittee must require any industrial user of its treatment works to comply with any applicable requirements in 40 CFR 403 through 471.

8. Sludge and Toxic Organics Sampling Requirements
   
a) The permittee must sample sludge as specified in Table 6.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>Sampling Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Cadmium</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Chromium</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Copper</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Lead</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Mercury</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Molybdenum</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Nickel</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Percent Solids</td>
<td>%</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Selenium</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
<tr>
<td>Zinc</td>
<td>mg/kg dry weight</td>
<td>2/year^1</td>
</tr>
</tbody>
</table>

Notes:
1. Sampling must be conducted twice per year, once during the period from April 1 through October 31, and once during the period from November 1 through March 31 each year. For each twice-per-year sampling event, the permittee must collect three samples within a calendar week. The permittee must report the results of sampling for these parameters on the March and October DMRs and in the pretreatment annual report required by Part II.A.9 of this permit.

b) Sludge samples must be taken as the sludge leaves the dewatering device or digesters.

c) Sludge Reporting: Metals concentrations in sludge must be reported in mg/kg, dry weight.

d) Reporting Results: Analytical results for each day’s samples must be reported separately. Sample results must be submitted with the pretreatment annual report required in paragraph 9, below.

e) Toxic organics sampling: The permittee must perform chemical analyses of its influent, effluent, and sludge for all specific toxic organic pollutants listed in Table II of Appendix D of 40 CFR 122.

   (i) Sample frequency: Sampling must be conducted twice per year, once during the period from April 1 through October 31, and once during the period from November 1 through March 31 each year. For each twice-per-year sampling event, the permittee must collect three samples within a calendar week. The permittee must report the results of sampling for these parameters on the March and October DMRs and in the pretreatment annual report required by Part II.A.9 of this permit.

   (ii) Sample Type: The influent and effluent samples must be 24-hour composites, except when sampling volatiles.
(iii) Volatile Organics Sampling: eight discrete samples must be collected over the 24 hour day using 40 ml VOC vials with Teflon septa. During sampling, the flow from the discharge will be controlled to produce smooth laminar flow to prevent agitation and aeration of the sample. The VOC vials will be filled to the top such that there is a meniscus present. There must be no visible air space or air bubbles in the VOC vials when capped. A single analysis for volatile pollutants may be run for each monitoring day by compositing equal volumes of the individual discrete VOC vials (at the analytical laboratory using extreme care not to introduce air/air bubbles) directly into the GC purge and trap apparatus, with no less than 1 ml of each grab included in the composite. The composite sample must be analyzed immediately.

(iv) GC/MS Analysis: In addition to analyzing for pollutants specified in the previous paragraph, the permittee must make a reasonable attempt using GC/MS analytical techniques to identify and quantify the ten most abundant constituents of each effluent extract (excluding toxic organic pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms). Identification must be attempted through the use of the USEPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be an order-of-magnitude estimate based upon comparison with an internal standard. The permittee must report the results of the GC/MS analysis in the pretreatment annual report required by Part II.A.9 of this permit.

(v) Sample Handling: All samples must be prepared, preserved, shipped, and analyzed in accordance with the QAP and Part III.C of this permit, Monitoring Procedures.

9. Pretreatment Report

a) The permittee must submit an annual report pursuant to 40 CFR 403.12(i) that describes the permittee's program activities over the October through September report year. This report must be submitted to the following address no later than November 1st of each year:

Pretreatment Coordinator  
U.S. Environmental Protection Agency  
Region 10, OWW-191  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

b) The pretreatment report must be compiled following the Region 10 Annual Report Guidance. At a minimum, the report must include:

(i) An updated non-domestic user inventory, including those facilities that are no longer discharging (with explanation), and new dischargers, appropriately categorized and characterized. Categorical users should
have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard.

(ii) Results of wastewater and sludge sampling at the POTW as specified in Part II.A.8 (above).

(iii) Calculations of removal rates for each pollutant for each day of sampling.

(iv) An analysis and discussion of whether the existing local limitations in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or sludge quality. This should include a comparison between influent loadings and the most recent relevant maximum allowable headworks loadings calculated for the treatment plant.

(v) Status of program implementation, including:

(a) Any planned modifications to the pretreatment program that have been approved by EPA, including staffing and funding updates.

(b) A description of any interference, upset, or NPDES permit violations experienced at the POTW which were directly or indirectly attributable to non-domestic users, including:

(i) Date & time of the incident
(ii) Description of the effect on the POTW’s operation
(iii) Effects on the POTW’s effluent and biosolids quality
(iv) Identification of suspected or known sources of the discharge causing the upset

(v) Steps taken to remedy the situation and to prevent recurrence

(c) Listing of non-domestic users inspected and/or monitored during the report year with dates and an indication compliance status.

(d) Listing of non-domestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.

(e) Listing of non-domestic users whose permits have been issued, reissued, or modified during the report year along with current permit expiration dates.

(f) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards during the report year as required in 40 CFR 403.8(f)(2)(iii).

(g) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.
(vi) Status of enforcement activities including:

(a) Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, including:

(i) Summary of the violation(s).

(ii) Enforcement action taken or planned by the permittee.

(iii) Present compliance status as of the date of preparation of the pretreatment report.

(b) Listing of those users in significant noncompliance during the report year as defined in 40 CFR 403.8(f)(2)(viii) and a copy of the newspaper publication of those users’ names.

(c) EPA may require more frequent reporting on those users who are determined to be in significant noncompliance.

B. Operation and Maintenance Plan

In addition to the requirements specified in Section IV.E. of this permit (Proper Operation and Maintenance), by January 31, 2017, the permittee must provide written notice to EPA and IDEQ that an operations and maintenance plan for the current wastewater treatment facility has been developed and implemented by January 31, 2017. The plan shall be retained on site and made available on request to EPA and IDEQ. Any changes occurring in the operation of the plant shall be reflected within the Operation and Maintenance plan.

C. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented by January 31, 2017. Any existing QAPs may be modified for compliance with this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.

2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in EPA Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.

3. At a minimum, the QAP must include the following:

   a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
b) Map(s) indicating the location of each sampling point.

c) Qualification and training of personnel.

d) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.

4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.

5. Copies of the QAP must be kept on site and made available to EPA and/or IDEQ upon request.

D. Emergency Response and Public Notification Plan

1. The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the permit. At a minimum the plan must include mechanisms to:

   a) Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control and unanticipated bypass or upset that exceed any effluent limitation in the permit;

   b) Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceed any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;

   c) Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;

   d) Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained; and

   e) Provide emergency operations.

2. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented by April 30, 2017. Any existing emergency response and public notification plan may be modified for compliance with this section.

III. Monitoring, Recording and Reporting Requirements

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional
samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.B. of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph III.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

1. Electronic Copy Submissions

a) The Permittee must submit all monitoring data and other reports electronically using NetDMR. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period. All reports required under this Permit must be submitted to EPA as a legible electronic attachment to the DMR. The Permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this Permit ("Signatory Requirements"). Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit paper copies of DMRs or other reports to EPA and IDEQ. NetDMR is accessed from http://www.epa.gov/netdmr.

b) The Permittee must submit via NetDMR as electronic attachments to each DMR the results of individual analyses of effluent monitoring for the following parameters: total residual chlorine, temperature, total ammonia as N, total phosphorus as P, E. coli, and dissolved oxygen.

(i) The data must include one result per row. The data must include the following columns: Parameter, date of sample collection, result value, analytical method, detection or quantification level, and remarks. The "remarks" column must be used to list relevant QA/QC information, if any, for each result.

(ii) The electronic attachment must be in a format that can be opened by the Microsoft Excel 2013 spreadsheet program.¹

2. Website Notification

a) Website notification must begin on or before the DMR for the month of April 2017.

¹ Acceptable file formats include but are not limited to Microsoft Excel (filename extensions xlsx, xlw, xlsb, xlsm, or xlsx), OpenDocument Spreadsheet (filename extension ods), Extensible Markup Language (filename extension xml), and comma separated value (filename extension csv).
b) Within seven days of the submission of the NetDMR report to EPA, the Permittee shall post all influent, effluent and receiving water data as reported on DMRs and explanatory materials on its publicly-accessible website.

   (i) The data must be displayed in tables viewable directly in an internet browser or as Portable Document Format (filename extension pdf) files. If the data are displayed as Portable Document Format files, the website must include a hyperlink to a website where the public may download software to open and view such files free of charge.

   (ii) The permittee must clearly identify any and all effluent limit violations in the data displayed on its publicly-accessible website.

   (iii) The DMR data shall remain on the website for a period of no less than three years.

c) The Permittee must report on its publicly-accessible website any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit by posting to its publicly-accessible website the written submission required in Part III.G.2 of this permit within 7 days of submitting such written submission to EPA.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.
F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:

   a) any noncompliance that may endanger health or the environment;
   b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., “Bypass of Treatment Facilities”);
   c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., “Upset Conditions”); or
   d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Part I.B.2.
   e) any overflow prior to the treatment works over which the permittee has ownership or has operational control. An overflow is any spill, release or diversion of municipal sewage including:
      (i) an overflow that results in a discharge to waters of the United States; and
      (ii) an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral) that does not reach waters of the United States.

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:

   a) a description of the noncompliance and its cause;
   b) the period of noncompliance, including exact dates and times;
   c) the estimated time noncompliance is expected to continue if it has not been corrected; and
   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
   e) if the noncompliance involves an overflow, the written submission must contain:
(i) The location of the overflow;
(ii) The receiving water (if there is one);
(iii) An estimate of the volume of the overflow;
(iv) A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
(v) The estimated date and time when the overflow began and stopped or will be stopped;
(vi) The cause or suspected cause of the overflow;
(vii) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
(viii) An estimate of the number of persons who came into contact with wastewater from the overflow; and
(ix) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports must be submitted to the addresses in Part III.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting
The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. Public Notification
The permittee must immediately notify the public, health agencies and other affected entities (e.g., public water systems) of any overflow which the permittee owns or has operational control; or any unanticipated bypass or upset that exceeds any effluent limitation in the permit in accordance with the notification procedures developed in accordance with Part II.D.

J. Notice of New Introduction of Toxic Pollutants
The permittee must notify the Director of the Office of Water and Watersheds and IDEQ in writing of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

3. For the purposes of this section, adequate notice must include information on:
   a) The quality and quantity of effluent to be introduced into the POTW, and
   b) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

4. The permittee must notify the Director of the Office of Water and Watersheds at the following address:
   US EPA Region 10
   Attn: NPDES Permits Unit Manager
   1200 Sixth Avenue, Suite 900
   OWW-191
   Seattle, WA 98101-3140

K. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

IV. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $37,500 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil
Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $187,500).

3. Criminal Penalties:

a) Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c) Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be
punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

2. Notice.

   a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.

   b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
   a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:
      (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
      (iii) The permittee submitted notices as required under paragraph 2 of this Part.
   b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions
   1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
   2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      a) An upset occurred and that the permittee can identify the cause(s) of the upset;
      b) The permitted facility was at the time being properly operated;
      c) The permittee submitted notice of the upset as required under Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and
      d) The permittee complied with any remedial measures required under Part IV.D, “Duty to Mitigate.”
   3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants
   The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge
use or disposal established under section 405(d) of the Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes
The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in Part III.J.4 and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.

3. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

J. Anticipated Noncompliance
The permittee must give written advance notice to the Director of the Office of Compliance and Enforcement and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

K. Reopener
This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

V. General Provisions

A. Permit Actions
This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Duty to Reapply
If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be
submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application by May 4, 2021.

C. Duty to Provide Information
The permittee must furnish to EPA and IDEQ, within the time specified in the request, any information that EPA or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or IDEQ, upon request, copies of records required to be kept by this permit.

D. Other Information
When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or IDEQ, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements
All applications, reports or information submitted to EPA and IDEQ must be signed and certified as follows.

1. All permit applications must be signed as follows:
   a) For a corporation: by a responsible corporate officer.
   b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
   c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by EPA or IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a) The authorization is made in writing by a person described above;
   b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
   c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.

3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2 must be submitted to the Director of the Office of Compliance and
Enforcement and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of Reports

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; IDEQ; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
H. Property Rights
The issuance of this permit does not convey any property rights of any sort, or any
exclusive privileges, nor does it authorize any injury to persons or property or
invasion of other private rights, nor any infringement of federal, tribal, state or local
laws or regulations.

I. Transfers
This permit is not transferable to any person except after written notice to the Director
of the Office of Water and Watersheds as specified in Part III.J.4. The Director may
require modification or revocation and reissuance of the permit to change the name of
the permittee and incorporate such other requirements as may be necessary under the
Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance
is mandatory).

J. State Laws
Nothing in this permit shall be construed to preclude the institution of any legal action
or relieve the permittee from any responsibilities, liabilities, or penalties established
pursuant to any applicable state law or regulation under authority preserved by
Section 510 of the Act.

VI. Definitions
2. “Administrator” means the Administrator of the EPA, or an authorized
   representative.
3. “Average monthly discharge limitation” means the highest allowable average of
   “daily discharges” over a calendar month, calculated as the sum of all “daily
   discharges” measured during a calendar month divided by the number of “daily
   discharges” measured during that month.
4. “Average weekly discharge limitation” means the highest allowable average of
   “daily discharges” over a calendar week, calculated as the sum of all “daily
   discharges” measured during a calendar week divided by the number of “daily
   discharges” measured during that week.
5. “Best Management Practices” (BMPs) means schedules of activities, prohibitions
   of practices, maintenance procedures, and other management practices to prevent
   or reduce the pollution of waters of the United States. BMPs also include
treatment requirements, operating procedures, and practices to control plant site
runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material
storage areas.
6. “Bypass” means the intentional diversion of waste streams from any portion of a
treatment facility.
7. “Composite” - see “24-hour composite”.
8. “Daily discharge” means the discharge of a pollutant measured during a calendar
day or any 24-hour period that reasonably represents the calendar day for
purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

9. “Director of the Office of Compliance and Enforcement” means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.

10. “Director of the Office of Water and Watersheds” means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.


13. “Geometric Mean” means the $n^{th}$ root of a product of $n$ factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

14. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.

15. “IDCQ” means the Idaho Department of Environmental Quality.

16. “Indirect Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

17. “Inhibition concentration”, IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

18. “Interference” is defined in 40 CFR 403.3.

19. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”

20. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

21. “Minimum Level (ML)” means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
22. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.

23. "Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).


25. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

26. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

27. "Significant Industrial User" means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). Upon a finding that an industrial user meeting above the criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

28. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

29. "24-hour composite" sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24 hour period. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be
proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. For GC/MS Volatile Organic Analysis (VOA), aliquots must be combined in the laboratory immediately before analysis. Four (4) (rather than eight) aliquots or grab samples should be collected for VOA. Only one analysis is required.
Appendix A
Minimum Levels

The tables below list the maximum Minimum Level (ML) for pollutants not subject to concentration effluent limits in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA.

### CONVENTIONAL PARAMETERS

<table>
<thead>
<tr>
<th>Pollutant &amp; CAS No. (if available)</th>
<th>Minimum Level (ML) µg/L unless specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>2 mg/L</td>
</tr>
<tr>
<td>Soluble Biochemical Oxygen Demand</td>
<td>2 mg/L</td>
</tr>
<tr>
<td>Chemical Oxygen Demand</td>
<td>10 mg/L</td>
</tr>
<tr>
<td>Total Organic Carbon</td>
<td>1 mg/L</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>5 mg/L</td>
</tr>
<tr>
<td>Total Ammonia (as N)</td>
<td>50</td>
</tr>
<tr>
<td>Dissolved oxygen</td>
<td>0.1 mg/L calibrated accuracy</td>
</tr>
<tr>
<td>Temperature</td>
<td>0.2°C calibrated accuracy</td>
</tr>
<tr>
<td>pH</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### NONCONVENTIONAL PARAMETERS

<table>
<thead>
<tr>
<th>Pollutant &amp; CAS No. (if available)</th>
<th>Minimum Level (ML) µg/L unless specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Alkalinity</td>
<td>5 mg/L as CaCO3</td>
</tr>
<tr>
<td>Chlorine, Total Residual</td>
<td>Until 1 year after the effective date of the final permit: 100 After 1 year after the effective date of the final permit: 50.0</td>
</tr>
<tr>
<td>Color</td>
<td>10 color units</td>
</tr>
<tr>
<td>Fluoride (16984-48-8)</td>
<td>100</td>
</tr>
<tr>
<td>Nitrate + Nitrite Nitrogen (as N)</td>
<td>100</td>
</tr>
<tr>
<td>Nitrogen, Total Kjeldahl (as N)</td>
<td>300</td>
</tr>
<tr>
<td>Soluble Reactive Phosphorus (as P)</td>
<td>10</td>
</tr>
<tr>
<td>Phosphorus, Total (as P)</td>
<td>10</td>
</tr>
<tr>
<td>Oil and Grease (HEM) (Hexane Extractable Material)</td>
<td>5,000</td>
</tr>
<tr>
<td>Salinity</td>
<td>3 practical salinity units or scale (PSU or PSS)</td>
</tr>
<tr>
<td>Settleable Solids</td>
<td>500 (or 0.1 mL/L)</td>
</tr>
<tr>
<td>Sulfate (as mg/L SO4)</td>
<td>0.2 mg/L</td>
</tr>
<tr>
<td>Pollutant &amp; CAS No. (if available)</td>
<td>Minimum Level (ML) μg/L unless specified</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Sulfide (as mg/L S)</td>
<td>0.2 mg/L</td>
</tr>
<tr>
<td>Sulfite (as mg/L SO₃)</td>
<td>2 mg/L</td>
</tr>
<tr>
<td>Total dissolved solids</td>
<td>20 mg/L</td>
</tr>
<tr>
<td>Total Hardness</td>
<td>2.0 mg/L as CaCO₃</td>
</tr>
<tr>
<td>Aluminum, Total (7429-90-5)</td>
<td>10</td>
</tr>
<tr>
<td>Barium Total (7440-39-3)</td>
<td>2.0</td>
</tr>
<tr>
<td>BTEX (benzene + toluene + ethylbenzene + m, o, p xylenes)</td>
<td>2</td>
</tr>
<tr>
<td>Boron Total (7440-42-8)</td>
<td>10.0</td>
</tr>
<tr>
<td>Cobalt, Total (7440-48-4)</td>
<td>0.25</td>
</tr>
<tr>
<td>Iron, Total (7439-89-6)</td>
<td>50</td>
</tr>
<tr>
<td>Magnesium, Total (7439-95-4)</td>
<td>50</td>
</tr>
<tr>
<td>Molybdenum, Total (7439-98-7)</td>
<td>0.5</td>
</tr>
<tr>
<td>Manganese, Total (7439-96-5)</td>
<td>0.5</td>
</tr>
<tr>
<td>Tin, Total (7440-31-5)</td>
<td>1.5</td>
</tr>
<tr>
<td>Titanium, Total (7440-32-6)</td>
<td>2.5</td>
</tr>
</tbody>
</table>

**PRIORITY POLLUTANTS**

<table>
<thead>
<tr>
<th>Pollutant &amp; CAS No. (if available)</th>
<th>Minimum Level (ML) μg/L unless specified</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>METALS, CYANIDE &amp; TOTAL PHENOLS</td>
</tr>
<tr>
<td>Antimony, Total (7440-36-0)</td>
<td>1.0</td>
</tr>
<tr>
<td>Arsenic, Total (7440-38-2)</td>
<td>0.5</td>
</tr>
<tr>
<td>Beryllium, Total (7440-41-7)</td>
<td>0.5</td>
</tr>
<tr>
<td>Cadmium, Total (7440-43-9)</td>
<td>0.25</td>
</tr>
<tr>
<td>Chromium (hex) dissolved (18540-29-9)</td>
<td>1.2</td>
</tr>
<tr>
<td>Chromium, Total (7440-47-3)</td>
<td>1.0</td>
</tr>
<tr>
<td>Copper, Total (7440-50-8)</td>
<td>2.0</td>
</tr>
<tr>
<td>Lead, Total (7439-92-1)</td>
<td>0.5</td>
</tr>
<tr>
<td>Mercury, Total (7439-97-6)</td>
<td>0.0005</td>
</tr>
<tr>
<td>Nickel, Total (7440-02-0)</td>
<td>0.5</td>
</tr>
<tr>
<td>Selenium, Total (7782-49-2)</td>
<td>1.0</td>
</tr>
<tr>
<td>Silver, Total (7440-22-4)</td>
<td>0.2</td>
</tr>
<tr>
<td>Thallium, Total (7440-28-3)</td>
<td>0.36</td>
</tr>
<tr>
<td>Zinc, Total (7440-66-6)</td>
<td>2.5</td>
</tr>
<tr>
<td>Pollutant &amp; CAS No. (if available)</td>
<td>Minimum Level (ML) µg/L unless specified</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Cyanide, Total (57-12-5)</td>
<td>10</td>
</tr>
<tr>
<td>Cyanide, Weak Acid Dissociable</td>
<td>10</td>
</tr>
<tr>
<td>Cyanide, Free Amenable to Chlorination (Available Cyanide)</td>
<td>10</td>
</tr>
<tr>
<td>Phenols, Total</td>
<td>50</td>
</tr>
<tr>
<td>2-Chlorophenol (95-57-8)</td>
<td>9.9</td>
</tr>
<tr>
<td>2,4-Dichlorophenol (120-83-2)</td>
<td>8.1</td>
</tr>
<tr>
<td>2,4-Dimethylphenol (105-67-9)</td>
<td>8.1</td>
</tr>
<tr>
<td>4,6-dinitro-o-cresol (534-52-1) (2-methyl-4,6-dinitrophenol)</td>
<td>2.0</td>
</tr>
<tr>
<td>2,4-dinitrophenol (51-28-5)</td>
<td>2.0</td>
</tr>
<tr>
<td>2-Nitrophenol (88-75-5)</td>
<td>10.8</td>
</tr>
<tr>
<td>4-nitrophenol (100-02-7)</td>
<td>7.2</td>
</tr>
<tr>
<td>Parachlorometa cresol (59-50-7) (4-chloro-3-methylphenol)</td>
<td>9.0</td>
</tr>
<tr>
<td>Pentachlorophenol (87-86-5)</td>
<td>1.0</td>
</tr>
<tr>
<td>Phenol (108-95-2)</td>
<td>4.5</td>
</tr>
<tr>
<td>2,4,6-Trichlorophenol (88-06-2)</td>
<td>4.0</td>
</tr>
</tbody>
</table>

**VOLATILE COMPOUNDS**

<p>| Acrolein (107-02-8)                                                  | 10                                     |
| Acrylonitrile (107-13-1)                                            | 2.0                                    |
| Benzene (71-43-2)                                                   | 2.0                                    |
| Bromoform (75-25-2)                                                 | 2.0                                    |
| Carbon tetrachloride (56-23-5)                                      | 2.0                                    |
| Chlorobenzene (108-90-7)                                            | 18                                     |
| Chloroethane (75-00-3)                                              | 2.0                                    |
| 2-Chloroethylvinyl Ether (110-75-8)                                 | 2.0                                    |
| Chloroform (67-66-3)                                                | 4.8                                    |
| Dibromochloromethane (124-48-1)                                     | 2.0                                    |
| 1,2-Dichlorobenzene (95-50-1)                                       | 7.6                                    |
| 1,3-Dichlorobenzene (541-73-1)                                      | 7.6                                    |
| 1,4-Dichlorobenzene (106-46-7)                                      | 17.6                                   |
| Dichlorobromomethane (75-27-4)                                      | 2.0                                    |
| 1,1-Dichloroethane (75-34-3)                                       | 2.0                                    |
| 1,2-Dichloroethane (107-06-2)                                       | 2.0                                    |</p>
<table>
<thead>
<tr>
<th>Pollutant &amp; CAS No. (if available)</th>
<th>Minimum Level (ML) μg/L unless specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,1-Dichloroethylene (75-35-4)</td>
<td>2.0</td>
</tr>
<tr>
<td>1,2-Dichloropropane (78-87-5)</td>
<td>2.0</td>
</tr>
<tr>
<td>1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene) (542-75-6) 6</td>
<td>2.0</td>
</tr>
<tr>
<td>Ethylbenzene (100-41-4)</td>
<td>21.6</td>
</tr>
<tr>
<td>Methyl bromide (74-83-9) (Bromomethane)</td>
<td>10.0</td>
</tr>
<tr>
<td>Methyl chloride (74-87-3) (Chloromethane)</td>
<td>2.0</td>
</tr>
<tr>
<td>Methylene chloride (75-09-2)</td>
<td>10.0</td>
</tr>
<tr>
<td>1,1,2,2-Tetrachloroethane (79-34-5)</td>
<td>2.0</td>
</tr>
<tr>
<td>Tetrachloroethylene (127-18-4)</td>
<td>12.3</td>
</tr>
<tr>
<td>Toluene (108-88-3)</td>
<td>18</td>
</tr>
<tr>
<td>1,2-Trans-Dichloroethylene (156-60-5) (Ethylene dichloride)</td>
<td>4.8</td>
</tr>
<tr>
<td>1,1,1-Trichloroethane (71-55-6)</td>
<td>11.4</td>
</tr>
<tr>
<td>1,1,2-Trichloroethane (79-00-5)</td>
<td>2.0</td>
</tr>
<tr>
<td>Trichloroethylene (79-01-6)</td>
<td>2.0</td>
</tr>
<tr>
<td>Vinyl chloride (75-01-4)</td>
<td>2.0</td>
</tr>
</tbody>
</table>

**BASE/NEUTRAL COMPOUNDS**

<table>
<thead>
<tr>
<th>Pollutant &amp; CAS No. (if available)</th>
<th>Minimum Level (ML) μg/L unless specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acenaphthene (83-32-9)</td>
<td>5.7</td>
</tr>
<tr>
<td>Acenaphthylene (208-96-8)</td>
<td>10.5</td>
</tr>
<tr>
<td>Anthracene (120-12-7)</td>
<td>5.7</td>
</tr>
<tr>
<td>Benzidine (92-87-5)</td>
<td>24</td>
</tr>
<tr>
<td>Benzyl butyl phthalate (85-68-7)</td>
<td>0.6</td>
</tr>
<tr>
<td>Benzo(a)anthracene (56-55-3)</td>
<td>0.6</td>
</tr>
<tr>
<td>Benzo(b)fluoranthene (3,4-benzofluoranthene) (205-99-2) 7</td>
<td>1.6</td>
</tr>
<tr>
<td>Benzo(j)fluoranthene (205-82-3) 7</td>
<td>1.0</td>
</tr>
<tr>
<td>Benzo(k)fluoranthene (11,12-benzofluoranthene) (207-08-9) 7</td>
<td>1.6</td>
</tr>
<tr>
<td>Benzo(r,s,t)pentaphene (189-55-9)</td>
<td>1.0</td>
</tr>
<tr>
<td>Benzo(a)pyrene (50-32-8)</td>
<td>1.0</td>
</tr>
<tr>
<td>Benzo(ghi)Perylene (191-24-2)</td>
<td>12.3</td>
</tr>
<tr>
<td>Bis(2-chloroethoxy)methane (111-91-1)</td>
<td>21.2</td>
</tr>
<tr>
<td>Bis(2-chloroethyl)ether (111-44-4)</td>
<td>1.0</td>
</tr>
<tr>
<td>Bis(2-chloroisopropyl)ether (39638-32-9)</td>
<td>0.6</td>
</tr>
<tr>
<td>Pollutant &amp; CAS No. (if available)</td>
<td>Minimum Level (ML) µg/L unless specified</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Bis(2-ethylhexyl)phthalate (117-81-7)</td>
<td>0.5</td>
</tr>
<tr>
<td>4-Bromophenyl phenyl ether (101-55-3)</td>
<td>5.7</td>
</tr>
<tr>
<td>2-Chloronaphthalene (91-58-7)</td>
<td>5.7</td>
</tr>
<tr>
<td>4-Chlorophenyl phenyl ether (7005-72-3)</td>
<td>12.6</td>
</tr>
<tr>
<td>Chrysene (218-01-9)</td>
<td>0.6</td>
</tr>
<tr>
<td>Dibeno (a,h)acridine (226-36-8)</td>
<td>10.0</td>
</tr>
<tr>
<td>Dibeno (a,j)acridine (224-42-0)</td>
<td>10.0</td>
</tr>
<tr>
<td>Dibeno(a-h)anthracene (53-70-3)(1,2,5,6-dibenzanthracene)</td>
<td>1.6</td>
</tr>
<tr>
<td>Dibeno(a,e)pyrene (192-65-4)</td>
<td>10.0</td>
</tr>
<tr>
<td>Dibeno(a,h)pyrene (189-64-0)</td>
<td>10.0</td>
</tr>
<tr>
<td>3,3-Dichlorobenzidine (91-94-1)</td>
<td>1.0</td>
</tr>
<tr>
<td>Diethyl phthalate (84-66-2)</td>
<td>7.6</td>
</tr>
<tr>
<td>Dimethyl phthalate (131-11-3)</td>
<td>6.4</td>
</tr>
<tr>
<td>Di-n-butyl phthalate (84-74-2)</td>
<td>7.5</td>
</tr>
<tr>
<td>2,4-dinitrotoluene (121-14-2)</td>
<td>0.4</td>
</tr>
<tr>
<td>2,6-dinitrotoluene (606-20-2)</td>
<td>5.7</td>
</tr>
<tr>
<td>Di-n-octyl phthalate (117-84-0)</td>
<td>7.5</td>
</tr>
<tr>
<td>1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)</td>
<td>20</td>
</tr>
<tr>
<td>Fluoranthene (206-44-0)</td>
<td>0.6</td>
</tr>
<tr>
<td>Fluorene (86-73-7)</td>
<td>5.7</td>
</tr>
<tr>
<td>Hexachlorobenzene (118-74-1)</td>
<td>0.6</td>
</tr>
<tr>
<td>Hexachlorobutadiene (87-68-3)</td>
<td>1.0</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene (77-47-4)</td>
<td>1.0</td>
</tr>
<tr>
<td>Hexachloroethane (67-72-1)</td>
<td>1.0</td>
</tr>
<tr>
<td>Indeno(1,2,3-cd)Pyrene(193-39-5)</td>
<td>1.0</td>
</tr>
<tr>
<td>Isophorone (78-59-1)</td>
<td>6.6</td>
</tr>
<tr>
<td>3-Methyl cholantherene (56-49-5)</td>
<td>8.0</td>
</tr>
<tr>
<td>Naphthalene (91-20-3)</td>
<td>4.8</td>
</tr>
<tr>
<td>Nitrobenzene (98-95-3)</td>
<td>5.7</td>
</tr>
<tr>
<td>N-Nitrosodimethylamine (62-75-9)</td>
<td>4.0</td>
</tr>
<tr>
<td>N-Nitrosodi-n-propylamine (621-64-7)</td>
<td>1.0</td>
</tr>
<tr>
<td>N-Nitrosodiphenylamine (86-30-6)</td>
<td>1.0</td>
</tr>
<tr>
<td>Perylene (198-55-0)</td>
<td>7.6</td>
</tr>
<tr>
<td>Phenanthrene (85-01-8)</td>
<td>16.2</td>
</tr>
<tr>
<td>Pollutant &amp; CAS No. (if available)</td>
<td>Minimum Level (ML) µg/L unless specified</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Pyrene (129-00-0)</td>
<td>5.7</td>
</tr>
<tr>
<td>1,2,4-Trichlorobenzene (120-82-1)</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>DIOXIN</strong></td>
<td></td>
</tr>
<tr>
<td>2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (176-40-16) (2,3,7,8 TCDD)</td>
<td>5 pg/L</td>
</tr>
<tr>
<td><strong>PESTICIDES/PCBs</strong></td>
<td></td>
</tr>
<tr>
<td>Aldrin (309-00-2)</td>
<td>0.05</td>
</tr>
<tr>
<td>alpha-BHC (319-84-6)</td>
<td>0.05</td>
</tr>
<tr>
<td>beta-BHC (319-85-7)</td>
<td>0.05</td>
</tr>
<tr>
<td>gamma-BHC (58-89-9)</td>
<td>0.05</td>
</tr>
<tr>
<td>delta-BHC (319-86-8)</td>
<td>0.05</td>
</tr>
<tr>
<td>Chlordane (57-74-9)</td>
<td>0.05</td>
</tr>
<tr>
<td>4,4'-DDT (50-29-3)</td>
<td>0.05</td>
</tr>
<tr>
<td>4,4'-DDE (72-55-9)</td>
<td>0.05</td>
</tr>
<tr>
<td>4,4' DDD (72-54-8)</td>
<td>0.05</td>
</tr>
<tr>
<td>Dieldrin (60-57-1)</td>
<td>0.05</td>
</tr>
<tr>
<td>alpha-Endosulfan (959-98-8)</td>
<td>0.05</td>
</tr>
<tr>
<td>beta-Endosulfan (33213-65-9)</td>
<td>0.05</td>
</tr>
<tr>
<td>Endosulfan Sulfate (1031-07-8)</td>
<td>0.05</td>
</tr>
<tr>
<td>Endrin (72-20-8)</td>
<td>0.05</td>
</tr>
<tr>
<td>Endrin Aldehyde (7421-93-4)</td>
<td>0.05</td>
</tr>
<tr>
<td>Heptachlor (76-44-8)</td>
<td>0.05</td>
</tr>
<tr>
<td>Heptachlor Epoxide (1024-57-3)</td>
<td>0.05</td>
</tr>
<tr>
<td>PCB-1242 (53469-21-9)</td>
<td>0.5</td>
</tr>
<tr>
<td>PCB-1254 (11097-69-1)</td>
<td>0.5</td>
</tr>
<tr>
<td>PCB-1221 (11104-28-2)</td>
<td>0.5</td>
</tr>
<tr>
<td>PCB-1232 (11141-16-5)</td>
<td>0.5</td>
</tr>
<tr>
<td>PCB-1248 (12672-29-6)</td>
<td>0.5</td>
</tr>
<tr>
<td>PCB-1260 (11096-82-5)</td>
<td>0.5</td>
</tr>
<tr>
<td>PCB-1016 (12674-11-2)</td>
<td>0.5</td>
</tr>
<tr>
<td>Toxaphene (8001-35-2)</td>
<td>0.5</td>
</tr>
</tbody>
</table>
Response to Comments on the Draft NPDES Permit for the City of Nampa

Permit No. ID0022063

September 2016
Overview

The EPA issued a draft National Pollutant Discharge Elimination System (NPDES) permit for the City of Nampa for public review and comment on July 23, 2015. The public comment period was scheduled to close on September 21, 2015, but was extended to October 21, 2015. The EPA received comments from the Idaho Conservation League (ICL), the City of Nampa (Nampa), the City of Boise (Boise), and Idaho Rivers United (IRU) during the public comment period.

Comments Received During the Public Comment Period

Comment #1 (ICL and IRU)

ICL stated there should be no seasonal variation in limits for copper, cyanide or mercury. ICL stated that the seasonal variations in effluent limits for these pollutants appear to be based on the seasonal variations in low flow scenarios in the receiving waters. ICL stated that since reducing the amount of these pollutants in the WWTP discharge is not a function of altered WWTP operations or upgrades – but rather influent reductions – there should be no seasonal variation in facility discharges of these pollutants. And, there should be no seasonal variations in metals and cyanide inflow.

In its comments on the draft NPDES permit for the City of Nampa, IRU stated that there is no acceptable justification for allowing a higher discharge of mercury, cyanide and copper in December, January and February.

Response #1

As stated by ICL in its comments, seasonal differences in water quality-based effluent limits in the draft permits for copper, cyanide and mercury are due, in part, to the fact that the EPA has calculated seasonal values for the critical low flows in the receiving waters.

In addition, water quality criteria for copper are dependent upon hardness, and seasonal changes in hardness were also considered in the calculation of effluent limits for these parameters. As discussed in Section 4.3.3.1 of the draft Idaho Mixing Zone Implementation Guidance (IDEX 2015), establishing effluent limits for metals based on year-round critical conditions for both hardness and stream flow, without regard to seasonal variation, could result in effluent limits that are more stringent than necessary, because minimum hardness and minimum stream flow may not occur simultaneously. For example, as stated on Page B-2 of the fact sheet, there is a significant difference in the hardness in Indian Creek during April – October relative to November - March. Thus, it is reasonable for the EPA to consider seasonal variation in receiving water flow and hardness when calculating such limits.

The EPA does not have the information necessary to determine if there are seasonal variations in the influent concentrations or loads of metals or cyanide, however, such variations are possible. For example, influent loading of these parameters could vary because of inflow and infiltration during wet weather, or because of seasonal changes in loading from industrial users of the treatment plant.

The means of achieving compliance with a water quality-based effluent limit (i.e., influent reductions, improved treatment, or some combination of these) is irrelevant to the calculation of such limits. Water quality-based effluent limits are calculated based on the water quality criteria (which vary seasonally for copper, in response to seasonal changes in hardness) and the dilution afforded by the mixing zones.
authorized by the State of Idaho (which varies seasonally in response to changes in stream flow). They are not based on the feasibility of treatment or other means of achieving compliance.

Effluent limits for each season were calculated based on seasonal critical conditions for discharge and receiving water flow, and, where applicable, hardness. The effluent limits will therefore ensure compliance with water quality standards for these pollutants at all times.

Comment #2 (ICL and IRU)
ICL has expressed support for the Lower Boise River TMDL: 2015 Total Phosphorus Addendum’s conclusion to develop waste load allocations consistent with effluent concentrations of 0.1 mg/l in the May 1 – September 30 period and 0.35 mg/L in the October 1 – April 30 time period.

ICL stated their understanding that the maximum amount of TP that can be discharged by the WWTPs would be the appropriate seasonal concentration target (i.e., either 0.1 mg/l in the May 1 – September 30 period and 0.35 mg/L in the October 1 – April 30 time period) applied to the facility’s design flow. For Nampa, this would result in a maximum discharges as follows, expressed as monthly averages: 15 lb/day TP during May 1 – September 30 and 52.6 lb/day during the October 1 – April 30 period.

ICL stated that the TMDL developed concentration based waste load allocations. Thus, the TP effluent limits in the permits need to be based on a combination of effluent concentration and discharge volume. It is not appropriate to only articulate the limits in terms of lb/day loading. Rather, the limits need to be expressed such that the discharges do not exceed a concentration of either 0.1 mg/l in the May 1 – September 30 period or 0.35 mg/L in the October 1 – April 30 time period and also does not exceed a total load discharge equivalent to those concentrations at the facilities’ design flows.

ICL stated that, to be consistent with the TMDL, the concentration limits cannot be exceeded. This is the case even if the total loading is less than the values listed above.

ICL stated that, when the WWTPs discharge at flows less than their design flows, the difference between the design and actual effluent flows results in a diminished capacity for the Boise River to assimilate and/or dilute phosphorus. In order to keep this reduced dilution capacity from impairing TMDL compliance, the final effluent limits for the WWTPs must contain a concentration based limit.

During periods of lesser discharge flow from the facilities (i.e. less than the design flows) total loading has to be kept in check by requirements to not exceed the concentration of either 0.1 mg/l in the May 1 – September 30 period or 0.35 mg/L in the October 1 – April 30 time period.

See the NPDES permit for the City of Boise’s West WWTP ID0023981 for an example of permit limits that are expressed as both a concentration and a load.

IRU stated that the Snake River and Boise TMDLs were developed based on concentrations of TP (0.01 mg/L and 0.35 mg/L seasonally) not on average monthly and average weekly limits of pounds per day. These plants are not operating at their design capacities and shouldn’t be allowed to discharge the load for the design capacity. EPA should amend the permit to express total phosphorus limits in concentrations and load. To be consistent with the TMDL, the concentration limits cannot be exceeded. This is the case even if the total loading is less than the wasteload allocations. Also, EPA requires that effluent be monitored and reported in concentrations. Citizens must be able to check compliance with the permit monthly reports made to EPA.
Response #2

Federal regulations state that NPDES permits shall include effluent limitations that “are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7.” The reference to 40 CFR 130.7 refers to the EPA’s approval of TMDLs developed by States.

Federal regulations also state that, in general, “all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass,” although “pollutants limited in terms of mass additionally may be limited in terms of other units of measurement...” (40 CFR 122.45(f), emphasis added). Thus, in general, mass limits are mandatory, and limits in terms of other units of measurement are discretionary.

In the case of total phosphorus (TP) for the subject permit, effluent limits in terms of mass are sufficient to ensure consistency with the wasteload allocations (WLAs) for this facility in the EPA-approved Lower Boise River TMDL: 2015 Total Phosphorus Addendum (LBR TMDL TP Addendum) (IDEQ 2015).

The LBR TMDL TP Addendum does not establish concentration-based WLAs. The TP WLAs for the City of Nampa are as follows:

- May 1 – September 30 (Table 27, Page 93): 15.0 lb/day
- October 1 – April 30 (Table 34, Page 109): Nampa: 52.6 lb/day

The caption for Table 27 (which lists the May – September WLAs) reads, “Point source wasteload allocations for the lower Boise River, May 1–September 30. Wasteload allocations at TP concentrations of 0.1 mg/L are presented per day as monthly averages. DEQ intends that wasteload allocations are to be expressed as average monthly limits.” The column heading for the October 1 – April 30 WLAs in Table 34 reads “Oct–Apr Average TP Allocation (lb/day as a monthly average) at TP Conc. = 0.35 mg/L.”

Although the caption in Table 27 and the column heading in Table 34 state concentration values, the allocations themselves are listed in the tables exclusively as mass loading rates, in units of pounds per day. This is clear from the parenthetical in the column headings for the WLAs in Tables 27 and 34, which reads, “lb/day as a monthly average.”

The EPA’s interpretation of the LBR TMDL TP Addendum is that the concentrations are provided to explain how the mass wasteload allocations were calculated, i.e., the allocations were calculated “at” certain concentrations, and at the design flows of the point sources. Multiplying the concentrations by the design flows and the density of water yields the mass wasteload allocations in units of pounds per day.

These concentrations were also used, in combination with the design flows, to represent the point source discharges in the AQUATOX model (see the LBR TMDL TP Addendum at Section 5.4.3 and Appendix D). Because the design flows were used in the modeling, the entire loading allocated to the point sources by the mass WLAs was simulated in the modeling supporting the TMDL, and the establishment of a mass limit equal to the WLA is therefore consistent with the assumptions and requirements of these WLAs.

ICL stated that “when the WWTPs discharge at flows less than their design flows, the difference between the design and actual effluent flows results in a diminished capacity for the Boise River to
assimilate and/or dilute phosphorus.” While the effluent flow rates of the subject POTWs influence the flows (and therefore the loading capacity) in the Boise River and its tributaries, the TMDL used appropriate conservative assumptions to determine the assimilative capacity, including using the 90th percentile low flow in the Boise River. Using a low flow rate for the river takes into account the variation in all of the factors that influence river flows, including variations in effluent flows from the subject POTWs. Thus, the Boise River’s loading capacity for total phosphorus, as calculated and allocated in the TMDL, is not dependent upon a certain level of discharge flow from the POTWs.

The City of Boise’s NPDES West Boise Wastewater Treatment Facility permit (#ID0023981) referenced by ICL was issued prior to the State of Idaho’s development and the EPA’s approval of the LBR TMDL TP Addendum. Thus, the TP effluent limits in that permit were not based on the LBR TMDL TP Addendum. Rather, the TP effluent limits in the City of Boise permit were based directly upon the State of Idaho’s narrative criterion for nutrients (IDAPA 58.01.02.200.06), consistent with 40 CFR 122.44(d)(1)(vi) (see the Fact Sheet for the West Boise Wastewater Treatment Facility at Pages C-21 – C-26). As such, it is not appropriate to compare the TP effluent limits in the West Boise Wastewater Treatment Facility permit to the TP limits in the Nampa permit.

The fact that the TP effluent limits are expressed in terms of mass does not prevent citizens from checking compliance with the permit monthly per reports made to EPA. The mass TP limits are enforceable and the actual mass of TP discharged must be reported each month. Effluent data reported to the EPA is publicly available through the Discharge Monitoring Report (DMR) Pollutant Loading Tool¹, Envirofacts², and Enforcement and Compliance History Online (ECHO)³.

Comment #3 (IRU)
IRU does not support the proposed schedule of compliance for total phosphorus. EPA should not allow Nampa 9 years and 11 months to comply with the Total Phosphorus limits. That’s longer than a full permit cycle. Nampa has had more than a decade to figure out how to decrease phosphorous discharge, something that has been accomplished in less than 10 years by WWTPs across the nation including some in the Treasure Valley. These permit limitations are no surprise to anyone, and there’s no reason to give them 6 years to complete final design.

Response #3
The EPA has reviewed the schedule of compliance for new water quality-based effluent limits for phosphorus authorized by the Idaho Department of Environmental quality in its Clean Water Act Section 401 certification and has determined, consistent with 40 CFR 122.47(a)(1), that the schedule requires compliance as soon as possible.

Consistent with 40 CFR 122.47(a)(3), the compliance schedule includes interim requirements and the dates for their achievement. The interim requirements are substantial, including such actions as implementing biological phosphorus removal, upgrades to solids handling, implementing process, obtaining funding, planning, design, and construction. The EPA believes each of these interim steps are necessary to ultimately achieve the final water quality-based effluent limits for TP. The EPA also

¹ http://cfpub.epa.gov/dmr/
² http://www.epa.gov/enviro/pcs-icis-overview
³ https://echo.epa.gov/
believes that the time intervals between these interim requirements, and, in turn, the total amount of
time allowed to achieve compliance, are reasonable.

Comment #4 (Nampa)
Nampa requested that the average weekly effluent limits for total phosphorus limits be removed from
their permit.

Response #4
Federal regulations require that, for POTWs that discharge continuously, “all permit effluent limitations,
standards, and prohibitions, including those necessary to achieve water quality standards, shall unless
impracticable be stated as...average weekly and average monthly discharge limitations” (40 CFR
122.45(d)).

Thus, in order to remove the average weekly effluent limits for total phosphorus from the permits, the
EPA would need to make a finding that it is “impracticable” to state the effluent limits as average weekly
and average monthly discharge limitations.

The LBR TMDL TP Addendum establishes TP WLAs that are monthly averages. The draft permits also
propose average weekly limits that are derived from the average monthly WLAs. As explained in
Appendix F to the fact sheet, because attainment of the proposed average monthly effluent limits for TP
will require upgrades to the POTW, the historic effluent variability for TP may not be representative of
future effluent variability. Instead of using the historic effluent variability for TP to calculate average
weekly limits, the EPA made an assumption regarding the future, post-upgrade effluent TP variability (as
quantified by the coefficient of variation or CV).

However, the EPA has determined that it is impracticable to state the TP effluent limits as average
weekly limitations at this time, since, if the actual effluent variability is significantly different than the
EPA’s assumptions, then the average weekly limits will not be appropriate.

Because the future, post-upgrade effluent variability is unknown, it is impracticable for the EPA to
properly calculate average weekly effluent limits for TP at this time. Thus, the EPA has deleted the
proposed average weekly TP limits from the final permit. Since the WLAs are expressed as monthly
averages, average monthly limits are adequate to ensure that the effluent limits are consistent with the
assumptions and requirements of the TMDL’s WLAs.

Comment #5 (Nampa)
Nampa requested in their comments that the EPA not include Selenastrum capricornutum in the
screening for the most sensitive species in the whole effluent toxicity (WET) testing requirements.

Nampa stated that the whole effluent toxicity (WET) testing requirements list short-term tests using
Selenastrum capricornutum (growth test). Selenastrum capricornutum is a green algae and is sensitive to
low-level nutrients (i.e. reductions to permit levels for TP could cause impaired growth). The City’s
NPDES permit is being driven by a TMDL aimed at reducing algae in the Lower Boise River. Therefore, it
seems somewhat counterintuitive that the WET testing could become problematic if other goals in the
permit are achieved. The City believes that because two other indicator organisms used for WET testing
(Ceriodaphnia dubia and Pimephales promelas) provide a sufficient assurance that the City’s discharge
will not impact aquatic species.
Response #5
The TSD states that, “to provide sufficient information for making permitting decisions, EPA recommends a minimum number of three species, representing three different phyla (e.g., a fish, an invertebrate, and a plant) be used to test an effluent for toxicity” (Section 1.3.4, Page 16).

The only plant for which there is a chronic whole effluent toxicity test approved by the EPA for nationwide use is EPA Method 1003.0, which is a growth test for the green alga *Selenastrum capricornutum* (40 CFR 136.3, Table IA). Thus, in order to ensure consistency with the TSD’s recommendation to test a minimum of three species representing three different phyla, the EPA has required *Selenastrum capricornutum* to be included in the screening for the most sensitive species.

Regarding the City of Nampa’s statement that “reductions to permit levels for TP could cause impaired growth” of algae in a toxicity test, it should be noted that, in the WET test method for *Selenastrum capricornutum*, nutrients including phosphorus are added to the effluent sample, so that all test treatments and controls will contain at a minimum the concentration of nutrients in the stock culture medium (see EPA Method 1003.0 at section 14.10.1.2.7). This will ensure that a false positive for effluent toxicity will not occur due to nutrient limitation.

Comment #6 (Boise, Nampa)
The City of Boise and City of Nampa stated that all of the analytes listed in Appendix A can have a method detection limit (MDL) but the ten (10) analytes listed below cannot have a minimum level (ML) as defined in the NPDES permits due to the required EPA method (e.g., titration) or reporting format (e.g., 7 day average) of the parameter.

- Biochemical Oxygen Demand
- Soluble Biochemical Oxygen
- Total Suspended Solids
- Dissolved Oxygen
- Temperature (max 7 day avg)
- Oil and Grease (HEM)
- Salinity
- Settleable Solids
- Total Dissolved Solids
- Total Hardness

ML values for 10 pollutants listed above should be listed as MDL or sensitivity of the instrument/detector for the parameter (e.g. +/- 0.2 C for temperature).

Response #6
The draft permit includes a definition of the term “minimum level” that is consistent with the definition in the glossary of the *U.S. EPA NPDES Permit Writers’ Manual* (EPA 2010). However, in 2014, the EPA promulgated a revised definition of the term “minimum level” in the sufficiently sensitive methods final rule (79 FR 49001). The revised definition reads:

*The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels*
may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.

The EPA also explained in the sufficiently sensitive methods rule that the terms “quantitation limit,” “reporting limit,” and “level of quantitation” are synonymous with “minimum level” (79 FR 49001).

Since the revised definition allows for the minimum level to be obtained in several ways, including multiplying the MDL (as published in a method or determined by a lab) by a factor, then minimum levels can be determined for any analyte for which an MDL can be determined. Thus, minimum levels can, in fact, be determined for all of the analytes in Appendix A.

As explained in the response to comment #9, below, Appendix A specifies the required level of sensitivity for monitoring, which is independent and distinct from the statistics that are to be reported. The EPA has deleted the parenthetical “(max. 7-day avg.)” from the entry for temperature in Appendix A.

For dissolved oxygen and temperature, the EPA has edited appendix A to require a “calibrated accuracy,” instead of a minimum level, consistent with the USGS National Field Manual for the Collection of Water-Quality Data, (USGS 2015). The National Field Manual for the Collection of Water-Quality Data states that thermistors should have a “calibrated accuracy within 0.1 °C to 0.2 °C” and amperometric and optical dissolved oxygen probes should have a “calibrated accuracy within ±0.1 mg/L DO” (USGS 2015). In the final permit, the EPA has specified that temperature measurements must have a calibrated accuracy within 0.2 °C and that dissolved oxygen probes must have a calibrated accuracy within 0.1 mg/L.

Comment #7 (Boise, Nampa)
The City of Boise and City of Nampa stated that the requirement to run a calibration point at the ML is consistent with the new and updated 600 series organic methods in the Proposed 2015 MUR to 40 CFR 136. However, these methods are not yet approved and it is extremely difficult finding a commercial laboratory capable of running the MUR method.

Response #7
As explained in the response to comment #6, above, under the revised definition of “minimum level” in the sufficiently sensitive methods final rule (79 FR 49001), which has been incorporated into the final permit, the ML need not be based on the lowest calibration standard. The final permit does not require running a calibration point at the ML.

Comment #8 (Boise, Nampa)
The minimum level requirements of “Attachment/Appendix A Minimum Levels” restrict the options of NPDES approved methods listed at 40 CFR Part 136: Table IB. The following methods could utilize calibration curves meeting the definition of a ML, however, the values listed are more appropriate for a MDL due to the low concentration specified. In addition, the ML requirement prevents the use of the most commonly used methods which are titrations or test kits that are analyzed on factory calibrated spectrophotometers.
• Chemical Oxygen Demand
• Total Alkalinity
• Chlorine, Total Residual

ML values in Table A for these parameters should be listed as MDLs.

Response #8
As explained in the response to comment #6, above, under the revised definition of “minimum level” in the sufficiently sensitive methods final rule (79 FR 49001), which has been incorporated into the final permit, the ML need not be based on a calibration curve.

The EPA believes the minimum levels specified in Appendix A for chemical oxygen demand, total alkalinity, and total residual chlorine, are achievable. See also the response to Comment #30.

Comment #9 (Boise, Nampa)
The City of Boise and City of Nampa stated that the minimum level requirement for a statistical average is inappropriate for "Temperature (max 7 day avg)" in the "Attachment/Appendix A: Minimum Levels." ML and MDL are related to instrument sensitivity for T (+/- 0.2 °C) and is not applicable or appropriate for a 7 day average temperature. ML needs to be removed from Appendix A for maximum 7 day average temperature.

Response #9
The EPA agrees that the parenthetical “(max. 7-day avg.)” should be deleted from the listing for temperature in Appendix A. Appendix A specifies the required level of sensitivity for monitoring, which is independent and distinct from the statistics that are to be reported. The statistics that are to be reported for temperature are specified elsewhere in the permit. As explained in the response to comment #6, above, in the final permit, the EPA has specified that temperature measurements must have a calibrated accuracy within 0.2 °C.

Comment #10 (Boise, Nampa)
The City of Boise and City of Nampa stated that the minimum levels in Appendix A to the draft permits need to be adjusted, for several reasons.

EPA's proposed draft Methods Update Rule (MUR)\(^4\) seeks to increase the MLs (and MDLs) for many of the parameters listed in Appendix A to reflect "real world" water quality and analytical conditions (e.g. matrices ranging from clean receiving waters to "dirty" receiving water) instead of ultra clean and unrealistic matrices (e.g. MLs for a pollutant in distilled water) used for development of the MLs contained in the draft permits.

The minimum level requirements of “Attachment/Appendix A Minimum levels” appear to be based on published MDLs in EPA methods. The ML values are determined by multiplying the published MDL by 3.18. These EPA methods used MDL calculation methodology are inconsistent with the “2015 Proposed Methods Update Rule (MUR)” (80 FR 8956).

---

The published MDLs for EPA methods need to be revised using EPA methods to be compliant with the draft MUR. Compliance with the new methods in MUR will increase MDLs for many methods. Since the basis for the values assigned in "Attachment/Appendix A Minimum Levels" are not consistent with 2015 MUR requirements, they create a significant liability for permittees and are inappropriate for use in NPDES permits.

The Proposed 2015 MUR also proposes significant changes in the organic EPA 600 series methods which require matrix specific MDLs. Commercial labs will need to determine MDLs in various wastewater matrices, which will increase MDLs and MLs.

If the GC/MS EPA methods 624 and EPA 625 for purgeables and base neutrals and acids, respectively, were used for the organics listed in Appendix A, confirmation of the analytes is not needed, however the ML values would need to be increased for this method to be available for a permittee to use.

The proposed new or updated organic EPA 600 series methods contained in the draft 2015 MUR allow blank subtraction in samples, which will have an impact on the ML and should be reflected in Appendix A.

Many of the issues in the Proposed 2015 MUR to 40 CFR 136 have been addressed by the National Environmental Laboratory Accreditation Conference (NELAC) Institute and directly impact organic methods, which are proposed to increase and should be the ML requirement contained in NPDES permits.

The MLs listed in the Proposed 2015 MUR to 40 CFR 136 for EPA methods 624 & 625 are 2-15 times higher than the levels listed in Appendix A.

Response #10

The MLs in the draft permits were not calculated by multiplying published MDLs by 3.18. Rather they were based on MLs required by the Washington State Department of Ecology in its NPDES permits, which were in turn based on a survey of laboratories conducted in 2008. Thus, the EPA believes that the MLs proposed in Appendix A are achievable. If the permittees cannot achieve the MLs in the final permit, the permittee may request different MLs.

However, for many pollutants, the MLs proposed in EPA Methods 608.3, 624.1 and 625.1 in the draft MUR are lower than the most-stringent water quality criterion in effect in Idaho, or the EPA-recommended Clean Water Act Section 304(a) water quality criteria. For other pollutants, the State of Idaho has not established a water quality criterion for the pollutant and the EPA has not established a 304(a) criterion. Methods with an ML at or below the applicable water quality criterion are considered “sufficiently sensitive” (79 FR 49013).

The EPA has therefore revised the MLs in Appendix A to the permits to be equal to the MLs published in the draft MUR, for the pollutants listed in Table 1, below. If the ML proposed in the draft permit was higher than that published in the draft MUR, but less than the most stringent Idaho water quality criterion, then the ML proposed in the draft permit was retained.
<table>
<thead>
<tr>
<th>Pollutant</th>
<th>CAS #</th>
<th>Draft Permits ML (µg/L)</th>
<th>Draft MUR ML (µg/L)</th>
<th>Most Stringent ID WQC (µg/L)</th>
<th>Most Stringent CWA WQC (µg/L)</th>
<th>Most Stringent WQC (µg/L)</th>
<th>Ratio of WQC to draft MUR ML</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,1,1-Trichloroethane</td>
<td>71-55-6</td>
<td>2</td>
<td>11.4</td>
<td>11000</td>
<td>—</td>
<td>—</td>
<td>1100</td>
</tr>
<tr>
<td>1,1-Dichloroethane</td>
<td>75-34-3</td>
<td>2</td>
<td>0.047</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
</tr>
<tr>
<td>1,2-Trans-Dichloroethylene (Ethylene dichloride)</td>
<td>156-60-5</td>
<td>2</td>
<td>4.8</td>
<td>120</td>
<td>—</td>
<td>—</td>
<td>120</td>
</tr>
<tr>
<td>2,4-Dichlorophenol</td>
<td>120-83-2</td>
<td>1</td>
<td>8.1</td>
<td>9.6</td>
<td>93</td>
<td>9.6</td>
<td>1.19</td>
</tr>
<tr>
<td>2,4-Dimethylphenol</td>
<td>105-67-9</td>
<td>1</td>
<td>8.1</td>
<td>110</td>
<td>—</td>
<td>110</td>
<td>13.6</td>
</tr>
<tr>
<td>2,6-dinitrotoluene</td>
<td>606-20-2</td>
<td>0.4</td>
<td>5.7</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2-Chloronaphthalene</td>
<td>91-58-7</td>
<td>0.6</td>
<td>5.7</td>
<td>330</td>
<td>—</td>
<td>—</td>
<td>330</td>
</tr>
<tr>
<td>2-Chlorophenol</td>
<td>95-57-8</td>
<td>2</td>
<td>9.9</td>
<td>30</td>
<td>—</td>
<td>—</td>
<td>30</td>
</tr>
<tr>
<td>2-Nitrophenol</td>
<td>88-75-5</td>
<td>1</td>
<td>10.8</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
</tr>
<tr>
<td>4-Bromophenol phenyl ether</td>
<td>101-55-3</td>
<td>0.4</td>
<td>5.7</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>4-Chlorophenol phenyl ether</td>
<td>7005-72-3</td>
<td>0.5</td>
<td>12.6</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>4-nitrophenol</td>
<td>100-02-7</td>
<td>0.6</td>
<td>10.5</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Acenaphthene</td>
<td>83-32-9</td>
<td>0.4</td>
<td>5.7</td>
<td>26</td>
<td>—</td>
<td>—</td>
<td>26</td>
</tr>
<tr>
<td>Acenaphthylene</td>
<td>208-96-8</td>
<td>0.6</td>
<td>10.5</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>alpha-Endosulfan (Endosulfan I)</td>
<td>959-98-8</td>
<td>0.05</td>
<td>0.033</td>
<td>0.056</td>
<td>0.93</td>
<td>0.056</td>
<td>1.70</td>
</tr>
<tr>
<td>Anthracene</td>
<td>120-12-7</td>
<td>0.6</td>
<td>5.7</td>
<td>110</td>
<td>9600</td>
<td>10</td>
<td>19.3</td>
</tr>
<tr>
<td>Benzo(ghi)Perylene</td>
<td>191-24-2</td>
<td>0.6</td>
<td>12.3</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>beta-Endosulfan (Endosulfan II)</td>
<td>33213-65-9</td>
<td>0.05</td>
<td>0.024</td>
<td>0.056</td>
<td>0.93</td>
<td>0.056</td>
<td>2.33</td>
</tr>
<tr>
<td>Bis(2-chloroethoxy)methane</td>
<td>111-91-1</td>
<td>0.6</td>
<td>15.9</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Chlorobenzene</td>
<td>108-90-7</td>
<td>2</td>
<td>18</td>
<td>89</td>
<td>680</td>
<td>89</td>
<td>4.94</td>
</tr>
<tr>
<td>Chloroform</td>
<td>67-66-3</td>
<td>0.6</td>
<td>4.8</td>
<td>61</td>
<td>5.7</td>
<td>5.7</td>
<td>1.19</td>
</tr>
<tr>
<td>Diethyl phthalate</td>
<td>84-66-2</td>
<td>7.6</td>
<td>5.7</td>
<td>200</td>
<td>23000</td>
<td>200</td>
<td>35.1</td>
</tr>
<tr>
<td>Dimethyl phthalate</td>
<td>131-11-3</td>
<td>6.4</td>
<td>4.8</td>
<td>600</td>
<td>313000</td>
<td>600</td>
<td>125</td>
</tr>
<tr>
<td>Di-2-ethylhexyl phthalate</td>
<td>84-74-2</td>
<td>1</td>
<td>7.5</td>
<td>8.2</td>
<td>2700</td>
<td>8.2</td>
<td>1.09</td>
</tr>
<tr>
<td>Di-n-octyl phthalate</td>
<td>117-84-0</td>
<td>0.6</td>
<td>7.5</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Endosulfan sulfate</td>
<td>1031-07-8</td>
<td>0.05</td>
<td>0.021</td>
<td>0.99</td>
<td>0.93</td>
<td>6.93</td>
<td>44.3</td>
</tr>
<tr>
<td>Endrin aldehyde</td>
<td>7421-93-4</td>
<td>0.05</td>
<td>0.033</td>
<td>0.38</td>
<td>0.76</td>
<td>0.38</td>
<td>11.5</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>100-41-4</td>
<td>2</td>
<td>21.6</td>
<td>32</td>
<td>3100</td>
<td>32</td>
<td>1.48</td>
</tr>
<tr>
<td>Fluorene</td>
<td>86-73-7</td>
<td>0.6</td>
<td>5.7</td>
<td>21</td>
<td>1300</td>
<td>21</td>
<td>3.68</td>
</tr>
<tr>
<td>Isophorone</td>
<td>78-59-1</td>
<td>0.6</td>
<td>6.6</td>
<td>330</td>
<td>8.4</td>
<td>8.4</td>
<td>1.27</td>
</tr>
<tr>
<td>Methyl bromide (Bromomethane)</td>
<td>74-83-9</td>
<td>0.6</td>
<td>8.4</td>
<td>130</td>
<td>48</td>
<td>48</td>
<td>5.71</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>91-20-3</td>
<td>0.6</td>
<td>4.8</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Nitrobenzene</td>
<td>98-95-3</td>
<td>1</td>
<td>5.7</td>
<td>12</td>
<td>17</td>
<td>12</td>
<td>2.11</td>
</tr>
<tr>
<td>Parachlorobenzene cresol (4-chloro-3-methylphenol)</td>
<td>59-50-7</td>
<td>2</td>
<td>9</td>
<td>350</td>
<td>—</td>
<td>—</td>
<td>350</td>
</tr>
<tr>
<td>Phenanthrene</td>
<td>85-01-8</td>
<td>0.6</td>
<td>16.2</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
</tr>
<tr>
<td>Phenol</td>
<td>108-95-2</td>
<td>4</td>
<td>4.5</td>
<td>3800</td>
<td>21000</td>
<td>3800</td>
<td>844</td>
</tr>
<tr>
<td>Pyrene</td>
<td>129-00-0</td>
<td>0.6</td>
<td>5.7</td>
<td>8.1</td>
<td>960</td>
<td>8.1</td>
<td>1.42</td>
</tr>
<tr>
<td>Toluene</td>
<td>108-88-3</td>
<td>2</td>
<td>18</td>
<td>47</td>
<td>6800</td>
<td>47</td>
<td>2.61</td>
</tr>
</tbody>
</table>
Comment #11 (Boise and Nampa)
Mercury is a bioaccumulative pollutant that is a global pollutant\(^5\) and impacts many waters of the United States, including Idaho, the Boise River and Brownlee Reservoir\(^6\). Idaho fish consumption advisories\(^7\) for mercury have been issued for the Boise River (catfish at Parma, Idaho), Brownlee Reservoir (Carp, Catfish, Crappie, and Perch), and statewide (large and smallmouth bass), making mercury an important permitting issue for all point sources discharging mercury to the Boise River.

Municipal wastewater treatment facilities are generally a minor source of mercury, however they do have a role to play in the control of mercury and the protection of human health\(^8\).\(^9\). The proposed Mercury Minimization Plan and Watershed based Fish Tissue testing requirements proposed in the draft permits appear to be appropriate and are actions municipalities already are or are willing to implement to protect human health and the environment.

Response #11
Thank you for your comment.

Comment #12 (Boise and Nampa)
Boise and Nampa stated that the aquatic life criterion is satisfied and provides no basis for reasonable potential, mercury numeric limits, or monitoring requirements.

The Nampa Fact Sheet and draft permit evaluates and proposes the need for mercury limitations and monitoring requirements using two Idaho water quality standards for mercury, the 12 ng/l aquatic organism criterion\(^10\) and the 0.3 mg/kg methylmercury fish tissue based human health criterion\(^11\) approved by EPA in 2008.

The 12 ng/l aquatic life mercury criterion was incorrectly applied to determine the reasonable potential to exceed, numeric mercury limits, and monitoring requirements.

\(^6\) Idaho Fish Consumption Advisory Program, Boise River listing for Catfish (no more the 3-11 meals per month depending on age and pregnancy, statewide large and small mouth bass advisory of no more than 2-8 meals per month with no other fish consumption; http://healthandwelfare.idaho.gov/Health/EnvironmentalHealth/FishAdvisories/tabid/180/Default.aspx
\(^7\) Idaho Fish Consumption Advisories, Idaho Fish Consumption Advisory Program, http://healthandwelfare.idaho.gov/Health/EnvironmentalHealth/FishAdvisories/tabid/180/default.aspx
\(^8\) Mercury Pollutant Minimization Program Guidance, USEPA Region 8, November 2004.
\(^10\) IDAPA 58.01.02- Water Quality Standards and Wastewater Treatment Requirements, 2004; Section 58.01.02.210.01.a.8, Mercury aquatic life criterion, CCC, B2, footnote g "g. if the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area."
The Nampa mercury limitations are based on the 12 ng/l aquatic life criterion. If the 12 ng/l criterion is exceeded in the receiving stream more than once every three years, the criterion requires fish tissue testing of the edible portion of consumed species to determine whether the concentration exceeds the 1.0 mg/kg FDA action level. If the 1 mg/kg action level is exceeded, actions to control mercury discharges and notify the public are required.12

The reasonable potential analysis appears to use only the water column concentration portion of the 12 ng/l criterion without evaluating the edible fish tissue portion of the criterion using local fish tissue data to determine compliance or non-compliance with the standard, if there is reasonable potential to exceed the state water quality standard, in the determination of numeric limit or other controls, and in determination of associated monitoring requirements.

Historical and recent fish tissue data have been collected and reported by USGS, the Idaho Fish Consumption Advisory Program13, and the City of Boise Methylmercury Fish Tissue Sampling Program for the Lower Boise River, Snake River and Brownlee Reservoir. The data show fish tissue mercury values range from 0.06 to 0.33 mg/kg methylmercury for samples collected in the Boise and Snake Rivers and Brownlee Reservoir14. These levels are well below the 1.0 mg/kg FDA action level and demonstrate compliance with the aquatic life mercury criterion.

Analysis of the applicable 2004 mercury aquatic life criterion continuous concentration of 12 ng/l and footnote g, when correctly evaluated, shows that the 12 ng/l criterion is satisfied at all locations within the Lower Boise Watershed, the Snake River below the confluence with the Boise, and Brownlee Reservoir. No reasonable potential exists to exceed the mercury aquatic life water quality criterion, therefore, no numeric limitations, additional actions or public notification are necessary to satisfy the mercury aquatic life criterion.

The basis and development of numeric mercury limitations contained in Nampa draft permit is incorrect and there is no basis provided for numeric limitations, additional actions or additional monitoring. The Fact Sheet needs to be corrected to reflect that the applicable aquatic life criterion for mercury is satisfied.

Response #12
The commenters are correct that the EPA applied both the aquatic life chronic criterion or criterion continuous concentration (CCC) of 12 ng/L (0.012 µg/L) and the 0.3 mg/kg human health criterion for methylmercury in fish tissue. This is because both of these criteria are in effect for Clean Water Act purposes in Idaho.

---

12 1DAPA 58.01.02-Water Quality Standards and Wastewater Treatment Requirements, 2004; Section 58.01.02.210.01.a.8, Mercury aquatic life criterion, CCC, 82, footnote g "g. If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area."
13 Idaho Fish Consumption Advisories, Idaho Fish Consumption Advisory Program, http://healthandwelfare.idaho.gov/Health/EnvironmentalHealth/FishAdvisories/tabid/180/default.aspx
On December 12, 2008, the EPA disapproved the State of Idaho’s removal of its aquatic life water quality criteria for mercury in the water column\textsuperscript{15}. The aquatic life water column criteria for total recoverable mercury that the EPA approved in 1997 remain in effect for Clean Water Act purposes (40 CFR 131.21). These criteria are an acute criterion or criterion maximum concentration (CMC) of 2.1 \(\mu g\)/L and a chronic criterion or criterion continuous concentration (CCC) of 0.012 \(\mu g\)/L (12 ng/L). Because these criteria remain in effect for Clean Water Act purposes, the EPA must implement these criteria in NPDES permits (40 CFR 131.21(d)). The numeric effluent limits for mercury in the draft permits for Nampa are based on these criteria.

The commenters point out that, in a footnote to the table of water quality criteria, the Idaho Water Quality Standards had stated the following:

\textit{If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area.}

This now-repealed provision of the Idaho WQS concerns sampling for fish tissue to be performed in response to exceedances of the water column mercury CCC, and could result in revisions to the water column mercury criteria. It does not modify the numeric criteria (i.e., the CMC of 2.1 \(\mu g\)/L and CCC of 12 ng/L), which were used as the basis for numeric effluent limits for mercury in the Nampa permit.

The commenters assert that the fact that fish tissue concentrations are below the Food and Drug Administration (FDA) action level of 1.0 mg/kg in the receiving waters demonstrates compliance with the 12 ng/L numeric aquatic life CCC. The commenters then conclude, based on fish tissue concentrations below the FDA action level, that there is no reasonable potential to exceed the 12 ng/L CCC. The EPA disagrees with these assertions for the following reasons.

First, the fact that fish tissue concentrations of methylmercury have not exceeded the FDA action level of 1.0 mg/kg does not necessarily mean that the 12 ng/L CCC, with its associated averaging period and allowable excursion frequency, is attained. The 12 ng/L CCC was based on achieving the 1.0 mg/kg FDA action level, using a bioconcentration factor of 81,700 (EPA 1985). However, bioaccumulation of mercury is highly variable and is influenced by a number of factors, including the age or size of the organism; food web structure; water quality parameters such as pH, DOC, sulfate, alkalinity, and dissolved oxygen; mercury loadings history; proximity to wetlands; watershed land use characteristics; and waterbody productivity, morphology, and hydrology (EPA 2010). Furthermore, bioaccumulation of mercury in fish occurs gradually over the lifetime of the fish, whereas the 12 ng/L CCC has an averaging period of only 4 days, with an excursion frequency of once every three years (EPA 1985). Infrequent, short-term excursions above the 12 ng/L CCC would have a small effect on concentrations of methylmercury in fish tissue, as long as the average concentration of mercury was low. However, such

\textsuperscript{15} [http://www.deq.idaho.gov/media/451688-epa_letter_mercury_criterion_disapproval.pdf]
excursions would nonetheless violate the 12 ng/L CCC (unless they occurred less frequently than once every three years).

Second, even if an exceedance of the 12 ng/L CCC has not occurred in the receiving waters, this would not necessarily mean that a particular discharge would not need to have effluent limits based on the 12 ng/L CCC. Limits must be established not only if a discharge causes excursions above water quality standards, but also if a discharge has the *reasonable potential to cause or contribute* to excursions above water quality standards (40 CFR 122.44(d)(1)(i), (iii)). In determining whether the subject discharges had the reasonable potential to cause or contribute to excursions above the 12 ng/L CCC, the EPA used the procedures in Section 3.3 of the TSD. Consistent with 40 CFR 122.44(d)(1)(ii), these procedures account for existing controls on point and nonpoint sources of pollution and the variability of the pollutant in the effluent. In this case, since a mixing zone was authorized by the State of Idaho for mercury, the EPA also considered the dilution of the effluent in the receiving water.

Using these procedures, the EPA determined that the discharges from the City of Nampa wastewater treatment plant has the reasonable potential cause or contribute to excursions above the 12 ng/L mercury CCC. Therefore, the EPA must establish effluent limits that are derived from and ensure compliance with the 12 ng/L mercury CCC (40 CFR 122.44(d)(1)(vii)(A)).

**Comment #13 (Boise and Nampa)**

The Idaho Methylmercury Human Health water quality criterion for fish tissue (0.3 mg/kg) is 3.3 times more stringent than the aquatic life 12 ng/l criterion when correctly evaluated\(^\text{16}\). The Human Health criterion therefore is more stringent and the appropriate criterion for evaluation of reasonable potential, limits or other actions, and monitoring requirements. Idaho and EPA have developed guidance for implementation of the human health criterion. The Fact Sheet needs to use the Human Health mercury criterion for the evaluation of reasonable potential, associated controls, and monitoring requirements for mercury.

The Idaho Mercury Human Health criterion was adopted with implementation guidance\(^\text{17}\) that addresses how it would be applied to municipal wastewater treatment facilities, including additional actions and recommended monitoring frequencies based on the level of fish tissue mercury within the watershed. EPA\(^\text{18}\) developed methylmercury human health implementation guidance that is essentially identical to the Idaho guidance.

The Fact Sheet needs to be significantly modified and use the lower and appropriate 0.3 mg/kg EPA approved Idaho Methylmercury Human Health criterion and associated Idaho Methylmercury Criteria

\(^{16}\) IDAPA 58.01.02 -Water Quality Standards and Wastewater Treatment Requirements, 2004; Section 58.01.02.210.01.a.8, Mercury aquatic life criterion, CCC, B2, footnote g "g. If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area."


Implementation Guidance\textsuperscript{19} for the evaluation of the reasonable potential to exceed standards, the appropriate limitations or controls, and the associated monitoring requirements.

Using the Idaho Methylmercury criterion, Idaho and EPA Methylmercury Implementation Guidance, effluent data, and recent fish tissue data (2000-present) from all sources, reasonable potential does appear to be triggered (e.g. quantifiable mercury in the effluent and >24 mg/kg fish tissue below facilities), additional actions do appear to be required (e.g. Mercury Minimization Plans), and watershed based fish tissue and effluent monitoring does appear to be justified.

The Fact Sheet for the draft Nampa NPDES permit needs to be corrected to provide the basis for additional mercury controls and monitoring limits.

Response #13
The commenters’ statement that the Idaho methylmercury human health water quality criterion for fish tissue (0.3 mg/kg) is 3.3 times more stringent than the aquatic life 12 ng/L CCC appears to be based on the fact that the 12 ng/L CCC was based on the FDA action level of 1.0 mg/kg, which is 3.3 times the human health criterion. However, since the 12 ng/L CCC is a water column criterion as opposed to a fish tissue criterion, this statement would be true in terms of water column concentrations of mercury only if the bioaccumulation factor was equal to the bioconcentration factor of 81,700 that was used to develop the 12 ng/L aquatic life criterion from the 1.0 mg/kg FDA action level. Bioaccumulation of mercury is highly variable and is influenced by a number of factors, including the age or size of the organism; food web structure; water quality parameters such as pH, DOC, sulfate, alkalinity, and dissolved oxygen; mercury loadings history; proximity to wetlands; watershed land use characteristics; and waterbody productivity, morphology, and hydrology (EPA 2010). Furthermore, bioaccumulation of mercury in fish occurs gradually over the lifetime of the fish, whereas the 12 ng/L CCC has an averaging period of only 4 days (EPA 1985), with an allowed excursion frequency of once every three years. Infrequent, short-term excursions above the 12 ng/L CCC would have a small effect on concentrations of methylmercury in fish tissue, as long as the average concentration of mercury was low. However, such excursions would nonetheless violate the 12 ng/L CCC (unless they occurred less frequently than once every three years).

As discussed in the fact sheet, the EPA has, in fact, implemented the Idaho methylmercury human health criterion in the subject permit in a manner consistent with the IDEQ and EPA guidance referenced by the commenters. See the fact sheet at Pages 23-24.

As explained in the response to comment #12, the EPA must also establish water quality-based effluent limits for mercury if the discharges have the reasonable potential to cause or contribute to excursions above the 12 ng/L CCC, which is the case for Nampa.

Comment #14 (IRU)
National Pollution Discharge Elimination System permits are issued for a period of five years for many good reasons, first and foremost being the opportunity provided every five years to improve permit conditions to better protect the rivers of the United States. In the sixteen years since the City of Meridian Wastewater Treatment plant was last permitted, significant events have occurred that, if they

had been considered every five years as required, would have decreased pollution of Indian Creek and the Boise River starting in 2004. These events include the approval of Total Maximum Daily Loads for Indian Creek, the Boise and the Snake rivers, the collection of relevant water quality data by US Geological Survey and others, many EPA-approved reports on the status of Idaho’s water quality, and advancements in wastewater treatment technology. During those eleven years, unlimited amounts of phosphorus and other pollutants have been allowed to be discharged to Indian Creek contributing to the impairment of Indian Creek and the Boise and Snake rivers.

Idaho Rivers United does not support administrative extensions of NPDES permits and asks EPA to ensure the timely renewal of this permit five years from issuance.

Response #14
Although the commenter referenced the permit for the City of Meridian in this comment, the EPA assumes that the commenter intended to reference the permit for City of The City of Nampa, since this comment appeared in a letter providing other comments on the draft permit for the City of Nampa.

EPA has issued the permit as expeditiously as possible. Administrative extension of this permit was provided in accordance with federal regulations (40 CFR 122.6).

Comment #15 (IRU)
Idaho Rivers United supports the permit’s year round limits on discharge of Total Phosphorus to Indian Creek.

As was made clear in the Fact Sheet, nuisance levels of periphyton can occur in the Boise River during what EPA previously called the non-growing season (October – April) and Total Phosphorus in the Boise River continuously exceeds the 70 µg/L load allocation in the Snake River Hells Canyon TMDL. The Nampa WWTP releases phosphorus-laden effluent continuously, pollution that has had significant negative impacts on the health of Indian Creek, and the Boise and Snake rivers for decades, and these limits are long-overdue.

Response #15
Thank you for your comment.

Comment #16 (ICL)
We do not support a 9 year 11 month compliance schedule for cyanide since attaining the cyanide limits is likely a matter of limiting inflow rather than installing treatment equipment.

The EPA has determined that this WWTP has the reasonable potential to violate water quality limits for cyanide. As such, EPA must issue effluent limits for cyanide to the Nampa WWTP in this permit. However, the EPA has not included interim cyanide limits. This oversight needs to be rectified and interim limits need to be established.

Response #16
Neither the draft permit nor the final permit include a compliance schedule for the new water quality-based effluent limits for weak acid dissociable cyanide. As such, no interim limits have been established for cyanide. The permit contains only final, water quality-based effluent limits for cyanide, which become effective immediately upon the effective date of the final permit.
Comment #17 (ICL)
Although the DEQ provided (and EPA approved) that Nampa could increase its WLA for TSS by allocating to Nampa some of the TSS that had been reserved for growth in the prior Lower Boise Sediment TMDL, it is not appropriate for the EPA to incorporate this change into the City of Nampa’s TSS effluent limit. In this instance, because the receiving water, Indian Creek, continues to violate water quality standards for sedimentation and siltation, this increase in allowable TSS discharges represents backsliding, irrespective of the changed conditions at the WWTP. Increasing the TSS effluent limit will cause and/or contribute to a violation of water quality standards.

Response #17
The TSS effluent limits in the permit are consistent with the City’s wasteload allocations in the Lower Boise River TMDL (IDEQ 1999) and in the Lower Boise River TMDL 2015 Sediment and Bacteria Addendum (IDEQ 2015). The 2015 Sediment and Bacteria Addendum addressed the impairment for sedimentation and siltation in Indian Creek and has been approved by the EPA. Therefore the effluent limits for TSS are as stringent as necessary to protect water quality in both Indian Creek and the Boise River, are consistent with applicable waste load allocations in an approved TMDL, and do not constitute permit backsliding. See CWA section 303(d)(4).

Comment #18 (Nampa)
In Part I.B, Table 1, footnote #7, the proposed permit requires that temperature data be gathered via thermistors, which the City does not currently own. The software for the device must then be used to generate (export) a spreadsheet or text file, to be submitted monthly to the EPA as an electronic attachment to the City’s DMRs. Since the City does not possess the technology, the City requests that DEQ provide a one-year compliance schedule for this requirement that will allow the City time to procure necessary equipment.

Response #13
The EPA agrees that it is reasonable to allow one year to begin continuous temperature monitoring of the effluent and receiving water. The final permit requires an effluent temperature sample frequency of five times per week and a receiving water temperature sample frequency of once per week, for the first year. For the effluent, this monitoring frequency is the same as the monitoring frequency for pH, which is also measured with a grab sample. For the receiving water, this monitoring frequency is the same as the monitoring frequency for turbidity, which is also measured with a grab sample. The permit also requires that grab samples for temperature be taken from 4 – 6 PM and that receiving water temperature samples be taken within 1 hour of an effluent sample.

Beginning one year after the effective date of the final permit, the final permit requires continuous monitoring of the effluent and receiving water temperature, as proposed in the draft permit.

Comment #19 (Nampa)
In Part I.B.3.b of the draft permit, the surface water monitoring requirements detail that the permittee must record a visual observation of the receiving water in the vicinity of where the effluent meets the surface water. This requirement does not specify any scientific data gathering other than viewer observation. The City requests adding more objective criteria to this section to provide more defensible description of surface water characteristics or removing this requirement. The following language is suggested as an addition to this section:
The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA or IDEQ upon request. The log should note, as a binary, yes/no response, whether there is presence of floating, suspended or submerged matter and include a picture taken at the time of observation.

Response #19
The EPA agrees with the language suggested by the commenter and has edited the final permit accordingly. In the final permit, the EPA has replaced the word “should” with “must” and the word “picture” with “photograph” in the last sentence of the permittee’s suggested language.

Comment #20 (Nampa)
In Table 3 of the draft permit, the City does not agree with the Category 5 listing of Indian Creek for temperature and the resulting NPDES permit limits. As described in the Petition for Administrative Review regarding the 2012 Integrated Report filed by the City before the Idaho Board of Environmental Quality on March 4, 2014, "The department's (DEQ's) final 2012 Integrated Report made a substantial and significant change from the draft Report because the relevant sections of Indian Creek are now added for temperature on the §303(d) list." The City believes that there is insufficient reliable scientific data to support this impairment finding and that the technical basis for this listing warrants further evaluation and modeling.

Response #20
The State of Idaho’s decision to list Indian Creek as impaired due to temperature in its 2012 Integrated Report is beyond the scope of the proposed permitting action. The basis for the temperature limits in the draft permit is explained in Appendix G to the Fact Sheet and is independent from the State of Idaho’s Category 5 temperature listing for Indian Creek.

Comment #21 (Nampa)
The proposed permit requires complete collection of one-year of continuous temperature monitoring data prior to the removal of a trickling filter. The City has already commenced with the Phase I Upgrades to comply with the proposed interim total phosphorus limit. The initial step of this project was the removal of a trickling filter. Therefore, the City cannot collect the required data and requests that this provision be removed.

Response #21
The EPA believes the City is referring to Part l.C.3.d.i of the draft permit, which reads, “Within fifteen (15) months of the EDP, complete collection of at least one year of continuous temperature monitoring data and submit an evaluation of current monthly temperature variations to DEQ and EPA.” It is not stated in the draft or final permits that these data must be collected prior to the removal of a trickling filter.

This requirement was included in the draft permit because it was a requirement in the State of Idaho’s draft Clean Water Act Section 401 certification of the permit. The final permit includes similar conditions that are included in the State of Idaho’s final Clean Water Act Section 401 certification.
Comment #22 (Nampa)
In Part I.D.7.d of the draft permit, the City recommends the following language change: "If implementation of the initial investigation workplan clearly identifies the source of toxicity to the satisfaction of EPA (e.g., a temporary plant upset), and OR none of the six accelerated chronic toxicity tests required under Part I.D.7.b are above the applicable average monthly limit in Part I.B of this permit, the permittee may return to the regular chronic toxicity testing cycle specified in Part I.C.2.a." This change will both protect water quality and not overly burden the City should it be able to ascertain the source of the toxicity or verify through additional testing that the effluent is not toxic.

Response #22
The issue raised by this comment is whether it is necessary to complete a toxicity reduction evaluation (TRE) if an exceedance of a WET trigger occurs during routine testing but not during subsequent accelerated testing.

According to the EPA Regions 8, 9 and 10 Toxicity Training Tool (Denton et al. 2007), accelerated testing and a TRE/TIE should occur stepwise (Page 88). That is to say, the TRE work plan should be initiated in response to an exceedance of a WET trigger during accelerated testing, instead of being undertaken concurrently with the accelerated testing.

The EPA has edited the WET testing language in the final permit to follow this stepwise approach. The EPA believes this achieves the intent of the language change proposed by the commenter.

The EPA Regions 8, 9 and 10 Toxicity Training Tool also states that, "EPA Regions 9 and 10 recommend that an initial TRE/TIE Work Plan be developed by the permittee within 60-90 days of the effective date of the permit." The EPA has edited part I.D.5 of the permit to allow 90 days to complete the initial investigation TRE workplan.

Comment #23 (Nampa)
Regarding Part II.A.8.e.iv on Page 28 of the draft permit, The GC/MS Analysis has never been performed by the City. The City understands the procedure detailed in the draft permit for the GC/MS Analysis, however it is unclear what has to be done following completion of the analysis. The City requests that DEQ clarify the steps taken after collection has been performed.

Response #23
The final permit has been edited to state that the City must report the results of the GC/MS analysis in the annual pretreatment report.

Comment #24 (Nampa)
The City is requesting clarification as to the intent of including reporting requirements for biosolids in the pretreatment section of the NPDES permit. This information has historically been included as a stand-alone section under the NPDES permit.

Response #24
As stated in the fact sheet at Page 22, EPA Region 10 separates wastewater and sludge permitting. Thus there is no stand-alone section for biosolids in the permit. However, among the objectives of the national pretreatment program are "to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal
sludge” and “to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges” (40 CFR 403.2). Section 4.3 of the EPA’s Local Limits Development Guidance (EPA 2004) recommends sampling of POTW sludge as part of the development of local limits and on an ongoing basis. Thus, it is appropriate to include sludge sampling requirements in the pretreatment section of the permit.

Comment #25 (Nampa)
The City would like to clarify the following requirement for routine sampling in Part III.A of the permit: "In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample."

It is our understanding that this sampling is needed under extreme conditions, such as an upset condition. Under such a condition, our primary goal is returning the plan to normal operating conditions as quickly as possible. In light of this priority, please clarify the frequency the City is supposed to collect additional samples.

Response #25
The intent of the second and third paragraph of Part III.A of the permit is to ensure representative sampling, consistent with the first paragraph of Part III.A and with 40 CFR 122.41(j). It is not possible to specify the appropriate frequency for the additional sampling required in the second and third paragraph of Part III.A, because the appropriate frequency will depend on the severity and duration of the event compelling the additional sampling.

Comment #26 (Nampa)
The City requests that EPA amend Part IV.F.1 of the permit to define "bypass" as presented in this section. The City strives to operate the Nampa WWTP as efficiently as possible while protecting water quality. To this end, the City optimizes the unit processes online based on influent loadings, current process operations, and effluent requirements. Therefore, the following modifications to this section are suggested:

1. Bypass not exceeding limitations. The permittee may allow any bypass of an entire unit process to occur that does not cause effluent limitations to be exceeded. Unit processes may be bypassed for essential maintenance or to optimize the operations of the facility provided that effluent limitations are not exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

Response #26
Part IV.F of the permit implements 40 CFR 122.41(m). The first paragraph of 40 CFR 122.41 reads, in relevant part:

The following conditions apply to all NPDES permits. ... All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference.

Thus, the EPA cannot edit the language of Part IV.F of the permit as requested by the commenter.
The permit does, in fact, include a definition of the term “bypass,” in Part VI. The definition of “bypass” in the permit is identical to the definition in 40 CFR 122.41(m) and reads “‘Bypass’ means the intentional diversion of waste streams from any portion of a treatment facility.”

Seasonal effluent limitations which allow the facility to shut down a specific pollution control process during certain periods of the year are not considered to be a bypass. Any variation in effluent limits accounted for and recognized in the permit which allows a facility to dispense with some unit processes under certain conditions is not considered bypassing (49 FR 38037).

Comment #27 (IRU)
When do the interim limits take effect? Why did EPA select 6.4 mg/L for the first 5 years and 500 μg/L for the second five years (May 1 – Sept 30)? Why did EPA establish an interim limit of 1,500 μg/L for Oct. 1 – April 30? Why aren’t they seasonal like the final limits? Why are the final limits pounds per day and the interim limits mg/L or μg/L? Why are the limits for the first 5 years in mg/L and for the 2nd 5 years in μg/L?

Response #27
Interim limits for total phosphorus (TP) and mercury take effect immediately upon the effective date of the final permit unless otherwise stated in the permit.

The EPA did not “select” the interim limits, rather, they were specified by the State of Idaho in its draft Clean Water Act Section 401 certification of the permit. The interim May – September TP limits are lowered to 500 μg/L (0.5 mg/L) and an additional interim limit of 1,500 μg/L (1.5 mg/L) from October – April is established after five years because, by that time, as shown in Table 3 of the draft permit, the Phase I facility upgrades will have been completed, thus allowing the City to achieve lower effluent concentrations of phosphorus.

Regarding the commenter’s question about the units for the interim TP concentration limits, the EPA agrees that it would be preferable for all of the interim TP concentration limits to be expressed using the same units. The EPA has expressed all of the interim TP concentration limits in units of mg/L.

The final water quality-based effluent limits for TP are expressed in terms of mass (lb/day) because they are based on the mass WLAs in the Lower Boise River TMDL: 2015 Total Phosphorus Addendum (IDEQ 2015). The interim limits are specified in the State of Idaho’s Clean Water Act Section 401 certification. The State of Idaho is not required to establish interim limits expressed in terms of mass simply because the final effluent limits are expressed in terms of mass. However, federal regulations state that, in general, effluent limits shall be expressed in terms of mass, although pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations (40 CFR 122.45(f)). Therefore, in the final permit, the EPA has established interim TP and mercury effluent limits in terms of mass, in addition to the concentration limits that were proposed in the draft permit. The interim mass limits are calculated from the interim concentration limits based on the design flow of the POTW (18 mgd), consistent with 40 CFR 122.45(b).

Because the interim limits for TP are, in fact, seasonal (similar to the final effluent limits), the EPA assumes that the commenter’s question of why the interim limits are not seasonal is in reference to the interim effluent limits for mercury. The interim limits are specified in the State of Idaho’s Clean Water
Act Section 401 certification. The State of Idaho is not required to establish seasonal interim limits simply because the final effluent limits are seasonal.

Comment #28 (IRU)
EPA should not permit Nampa to increase their current discharge. According to the 2015 Total Phosphorus TMDL Addendum, the Nampa WWTP discharge of Total Phosphorus is 4.97 mg/L. The proposed interim limit is 6.4 mg/L. EPA needs to set the interim limit for the first 5 years to no greater than 4.97 mg/L.

Response #28
The commenter appears to be referring to Table 15 of the Lower Boise River TMDL: 2015 Total Phosphorus Addendum. This table lists the City of Nampa’s mean TP concentration as 4.97 mg/L. Footnote b to this table specifies that this is the TP concentration that was measured between May 1, 2012 and September 30, 2012.

At other times, the City’s TP concentration has been considerably higher. The effluent concentration of TP was greater than 6.4 mg/L about 3% of the time during 2010 and 2011. Furthermore, the City of Nampa currently does not have any treatment in place specifically for phosphorus. Because 6.4 mg/L is within the range of TP discharges measured by the City, the EPA believes an annual average of 6.4 mg/L is a reasonable interim limit for TP, until planned treatment enhancements can be completed.

Comment #29 (IRU)
EPA should require twice-per-year effluent monitoring for chlorpyrifos to determine if this pesticide of concern is entering Indian Creek through the WWTP.

Response #29
The EPA does not agree that effluent monitoring for chlorpyrifos is necessary. The State of Idaho has not adopted water quality criteria for chlorpyrifos and it is not among the parameters that must be reported on the NPDES permit application form for POTWs (40 CFR 122.21(j)(4)). Although some streams in the Lower Boise watershed were listed in the State of Idaho’s 2012 303(d)/305(b) integrated report as being impaired because of chlorpyrifos, neither Indian Creek nor the Boise River were listed as such. Therefore, the EPA has no basis to require effluent monitoring for chlorpyrifos.

Comment #30 (Nampa)
The City is requesting additional clarification as to the reasoning that DEQ used to justify a lower compliance evaluation level for chlorine in the revised permit (50 mg/L) as opposed to the 1999 permit (100 mg/L).

Response #30
The commenter provided incorrect units for the chlorine compliance evaluation level in both the 1999 permit and the draft permit. The correct units are μg/L, as opposed to mg/L.

Currently approved methods have method detection limits for chlorine as low as 10 μg/L (e.g., Standard Method 4500 Cl-G). Thus, the EPA believes a minimum level of 50 μg/L is attainable for chlorine.
Comment #31 (Nampa)
On Page 19, in Section V.B, the fact sheet states, “The draft permit proposes more frequent monitoring for ammonia because the permittee has had difficulty complying with the effluent limits for ammonia in the prior permit.” The Nampa WWTP has consistently met the effluent ammonia limits from the previous permit as shown in Table 1 of the Fact Sheet. Based on the data presented in this table, the Nampa WWTP has exceeded its effluent ammonia limit 5 times over a six year period, which equates to 0.2%. The above referenced sentence should be removed from the Fact Sheet.

Response #31
The fact sheet is a final document and will not be edited.

The EPA believes the referenced statement on Page 19 of the fact sheet is accurate. Although the violations have not been frequent, the permittee has violated the ammonia limits in the 1999 permit at times, with the most recent violation in September 2013. The September 2013 violation was not captured in the summary provided in Table 1 of the fact sheet, as Table 1 was based on a database query performed on May 17, 2013.

The EPA believes the proposed effluent monitoring frequency for ammonia of twice per week is appropriate.

Comment #32 (Nampa)
The Pretreatment Requirements section should be updated to reflect the information submitted in the most recent, 2014, Pretreatment Annual Report.

Response #32
The fact sheet is a final document and will not be edited.

Comment #33 (ICL)
We do not support the provision of this draft permit that provides for a 9 year 11 month compliance schedule for copper.

EPA and DEQ have justified a 9 year 11 month compliance schedule for total phosphorus based on the time (and funding) needed to evaluate and implement various potential facility upgrades.

However, the achievement of final effluent limits for copper is not based on pending facility upgrades. Rather, copper compliance is based on the city identifying the contributing facilities and developing and implementing a pollutant minimization plan. There are a limited number of generally well-understood types of facilities (like circuit board manufactures) that typically discharge copper into the influent of WWTPs. Whereas total phosphorus compliance will require years of complicated construction at the WWTP, copper compliance will require that the city simply change the behavior of a limited number of facilities discharging to the WWTP. There is no justification for such a protracted compliance schedule for copper and it should be greatly shortened or completely eliminated.

We do not support the provision in this draft permit that provides for a 9 year 11 month compliance schedule for mercury.

EPA and DEQ have justified a 9 year 11 month compliance schedule for total phosphorus based on the time (and funding) needed to evaluate and implement various potential facility upgrades.
However, the achievement of final effluent limits for mercury is not based on pending facility upgrades. Rather, mercury compliance is based on the city developing and implementing a Mercury Minimization Plan. Developing such a plan should not take the city too long – as this is pretty standard and the city will undoubtedly be benefiting from the many other Mercury Minimization Plans that have been created in Idaho and across the United States. There are a limited number of generally well-understood types of facilities that typically discharge mercury into the influent of WWTPs. Whereas total phosphorus compliance will require years of complicated construction at the WWTP, mercury compliance will require that the city simply change the behavior of a limited number of facilities discharging to the WWTP. There is no justification for such a protracted compliance schedule for mercury and it should be greatly shortened or completely eliminated.

Response #33

The EPA believes it is reasonable for the compliance schedules for copper and mercury to be the same length as the compliance schedule for TP. As stated in the State of Idaho’s draft Clean Water Act Section 401 certification, “it is anticipated that the addition of biological nutrient removal and improved tertiary filtration implemented for phosphorus removal will provide some level of enhanced removal for metals as general effluent quality is improved.”

Copper is abundant in the Earth’s crust and thus occurs naturally in water. Copper is a common material for water pipes. Thus, domestic users of the City of Nampa’s POTW likely contribute copper to the POTW and therefore it is unlikely that it could be controlled entirely through reductions in inflow. Thus it is reasonable for the compliance schedule for copper to be the same length as the compliance schedule for TP.

The EPA agrees that the development and implementation of the mercury minimization plan will likely reduce discharges of mercury from the City of Nampa WWTP. However, it is unclear whether the reductions realized from the mercury minimization plan will be adequate to consistently achieve the final numeric water quality-based effluent limits for mercury for outfall 001. Similar to copper, the EPA expects that enhanced biological nutrient removal and improved tertiary filtration will result in reductions in mercury discharges. Thus, it is reasonable for the compliance schedule for mercury to be the same length as the compliance schedule for TP.

Comment #34 (ICL)

The EPA has determined that this WWTP has the reasonable potential to violate water quality limits for copper. As such, EPA must issue effluent limits for copper to the Nampa WWTP in this permit. However, the EPA has not included interim copper limits. This oversight needs to be rectified and interim limits need to be established.

Response #34

As stated by the commenter, the EPA has determined that the City of Nampa WWTP has the reasonable potential to cause or contribute to excursions above water quality standards for copper. The permit includes water quality-based effluent limits for copper, however, these limits are subject to a compliance schedule and do not take effect immediately upon the effective date of the final permit.

The federal regulations concerning compliance schedules state that for compliance schedules longer than one-year “the schedule shall set forth interim requirements and the dates for their achievement”

24
(40 CFR 122.47(a)(3)). However, nothing in the federal compliance schedule rule nor the State of Idaho’s compliance schedule authorizing provision requires interim effluent limitations. The compliance schedule authorized by the State of Idaho has interim requirements and the dates for their achievement as required by 40 CFR 122.47(a)(3).

Federal regulations speak to interim effluent limitations at 40 CFR 122.44(l). This regulation states that, “interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit (unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation or reissuance under § 122.62.)” The previous permit for the City of Nampa did not have any effluent limits for copper. Thus, in this case, 40 CFR 122.44(l) does not require interim effluent limits for copper.

Comment #35 (Nampa)
The City appreciates DEQ and EPA’s diligent work and cooperation in developing this document. The City supports the DEQ’s goal of improving water quality in the Lower Boise River watershed.

Response #35
Thank you for your comment.

Comment #36 (Nampa)
The chlorine, total ammonia, and total hardness minimum levels listed by DEQ cannot be measured by the City’s lab equipment. If DEQ decides to continue with using this approach for these constituents, the City requests that a one year compliance schedule be established to allow the City time to acquire the equipment capable of testing at said minimum levels.

Response #36
Regarding effluent monitoring for ammonia, the permit requires only that the City “must achieve a minimum level (ML) less than the effluent limitation” (Part I.B.6.a). The most stringent effluent limit for ammonia in the permit is 1.31 mg/L. The permit does not require receiving water monitoring for ammonia. Thus, the City need not achieve the 50 µg/L minimum level for ammonia in Appendix A.

Regarding hardness, the City has stated that the City can achieve a minimum level of 1 – 2 mg/L as CaCO₃. As stated in the fact sheet, the 5th percentile hardness of Indian Creek downstream from the discharge is 120 mg/L as CaCO₃ from April – October and 200 mg/L as CaCO₃ from November –March. Thus, the EPA expects that an ML of 2 mg/L as CaCO₃ will adequately characterize the hardness of the effluent and receiving water. In the final permit, the EPA has changed the ML for hardness to 2 mg/L as CaCO₃.

The EPA agrees that it is reasonable to allow the required ML and compliance evaluation level for chlorine to remain at 100 µg/L for 1 year, to allow the City time to acquire new equipment to be able to comply with the 50 µg/L ML and compliance evaluation level proposed in the draft permit.

Comment #37 (Nampa)
The total phosphorus limits in the proposed draft NPDES permit will require significant investment by the City to address. The most recent estimate for this investment is approximately $90 million. Therefore, the City supports EPA’s inclusion of a 10-year compliance schedule for phosphorus. This will
allow the City adequate time to plan, fund, design, and construct the required facilities to meet these new, more stringent total phosphorus limits.

Response #37
Thank you for your comment.

Comment #38 (Nampa)
The City believes that the proposed winter interim limit of 1.5 mg/L total phosphorus is appropriate given the City's implementation plan. This revised limit allows the City to continue forward with its current construction and funding plan without incurring unplanned additional costs for chemical treatment.

Response #38
Thank you for your comment.

Comment #39 (Nampa)
The temperature limits in the proposed draft NPDES permit will require significant investment by the City to address. Therefore, the City supports EPA's inclusion of a 15-year compliance schedule for temperature. This will allow the City adequate time to plan, fund, design, and construct the required facilities to meet these new, stringent temperature limits.

Response #39
Thank you for your comment.

Comment #40 (Nampa)
The City supports the inclusion of a 10-year compliance schedule for mercury as outlined in Table 3 and Table 4. The primary means for controlling mercury is through behavior modification for dischargers resulting from the completion of the Mercury Minimization Plan. However, if the results of the mercury minimization efforts do not result in the required reductions, the City would need to investigate alternative methods to meeting this stringent limit. If these alternatives require capital upgrades, the City would need sufficient time for evaluation, funding, design, and construction of these facilities. Therefore, the 10-year compliance schedule for mercury is appropriate to allow time for the development of the Mercury Minimization Plan, measurement of its effectiveness, and the implementation of other alternatives if necessary.

Response #40
Thank you for your comment.

Comment #41 (Nampa)
The City supports the inclusion of a 10-year compliance schedule for copper. As described in Section 1.C.3.e, the City intends to identify influent sources of copper in a step-wise fashion focusing first on likely contributors and wastewater characterization. Following the completion of this study, it may be necessary to construct capital facilities to meet the limit, which will require time to plan, fund, design, and construct. For these reasons, a 10-year compliance schedule for copper is appropriate.

Response #41
Thank you for your comment.
Comment #42 (Nampa)
The weekly phosphorus limit noted in Table I and described further in Appendix F of the Fact Sheet is based on an arbitrary assumption of the coefficient of variation of effluent phosphorus concentrations. As noted in the research cited in Comment #13, there is significant statistical variability in the coefficient of variation of effluent phosphorus, and this variability has to be considered in both identifying appropriate technologies in engineering the plants as well as determining appropriate limits in a regulatory setting process. While the City does not support the inclusion of weekly limits for phosphorus (Comment #13), preliminary biological process modeling has shown significant variability in projected effluent discharge concentrations resulting from variable influent loading conditions. Therefore, the City requests that a coefficient of variation (CV) of 1.2, which is the upper bound of the typical range, be used for the calculation of weekly limits. This assumption is consistent with other facilities operating similar processes in the area. Assuming this CV, the City believes the following are appropriate weekly limits should they be deemed necessary:

May-September: 15 lb/day x 2.35 = 35.25 lb/day
October-April: 52.6 lb/day x 2.35 = 123.6 lb/day

Response #42
As explained in the response to comment #4, the EPA has determined that it is impractical to establish average weekly limits for total phosphorus at this time. Thus, the issue of the coefficient of variation that should be used to calculate average weekly limits is moot.

Comment #43 (Nampa)
The City is working towards uploading all monitoring data and other reports electronically using NetDMR. These DMRs from the City website will be available for public viewing. The City is requesting a period of six months to allow IT staff to configure the City website so that DMRs can be uploaded and viewed effectively.

Response #43
The EPA agrees that is acceptable to allow six months from the effective date of the final permit for the City to configure its website for posting of effluent data.

Comment #44 (Nampa)
The City requests that it not be included in EPA's pilot project for 'next generation compliance' efforts. The City is faced with a number of new requirements, each requiring significant capital costs, as a result of the requirements of the renewed NPDES permit. With this level of commitment, participating in this pilot project is an overly onerous requirement for the City. Furthermore, similar requirements have not been included for the City of Meridian, who is facing a similar level of investment.

Response #44
The EPA has not removed the next generation compliance requirements from the permit. However, as stated in the response to comment #28, the EPA has allowed six months from the effective date of the permit for the City to configure its website for posting of effluent data.

The EPA does not agree that these requirements are overly onerous. The permit language allows for effluent data to be displayed in tables viewable directly in an internet browser or as Portable Document
Format (PDF) files. A PDF file can be created in a number of ways, including by scanning a DMR that was submitted to the EPA or by “printing” to PDF from a spreadsheet or word processing program.

As explained on Page 28 of the Fact Sheet, part of the basis for including the next generation compliance requirements in this permit was to address environmental justice. As explained on Page 30 of the Fact Sheet for the City of Meridian draft permit, the Meridian WWTP is not located within or near any Census block groups that are potentially overburdened.

Comment #45 (Nampa)
The proposed permit states that the City must report any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit on its publicly-accessible website within 24 hours from the time the permittee becomes aware of the circumstances. The City is requesting clarification as to what is required to be reported as part of this permit requirement.

Response #45
The draft permit language that the City is referring to in this comment reads as follows:

The Permittee must report any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit on its publicly-accessible website within 24 hours from the time the permittee becomes aware of the circumstances.

The EPA agrees that this draft language is unclear as to what must be reported on the website. Therefore, the EPA has changed this requirement to read as follows:

The Permittee must report on its publicly-accessible website any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit by posting to its publicly-accessible website the written submission required in Part III.G.2 of this permit within 7 days of submitting such written submission to EPA.

Part III.G.2 of the permit specifies the required content of the written submission that must follow 24-hour telephone reporting, thus clarifying what must be posted to the website as well. The EPA believes that the additional detail provided in the written submission (which would likely not be known within 24 hours of becoming aware of noncompliance) would be more meaningful to the public than the cursory information that would be known within 24 hours.

Comment #46 (Nampa)
The priority pollutants, volatile compounds, base/neutral compounds, dioxins, and pesticides/PCBs have testing parameters that the City cannot currently test. If DEQ decides to continue with using this approach for these constituents, the City requests that a 1-year compliance schedule be established to allow the City time to acquire the equipment capable of testing these parameters.

Response #46
There are some priority pollutants with twice per year sampling requirements as part of the pretreatment requirements in the prior permit (Part I.D), specifically copper, cyanide, mercury, arsenic, cadmium, chromium, lead, nickel, selenium, silver, and zinc. The EPA expects that the City should be able to continue sampling for these pollutants twice per year.
The EPA agrees that monitoring for other priority pollutants, volatile compounds, base/neutral compounds and pesticides may begin within 1 year of the effective date of the final permit.

The permit does not require any analysis for dioxin or PCBs.

Comment #47 (Nampa)
The fact sheet states, "The facility produces Class B biosolids which are usually applied to land in southeastern Canyon County." The Nampa WWTP discontinued land application and currently disposes of biosolids at the Simco Road Landfill. This information should be updated to reflect current operations.

Response #47
The Fact Sheet is a final document, the purpose of which is to explain the conditions proposed in the draft permit. It will not be edited.

Comment #48 (IRU)
It should be stated that the monitoring is required while the permit is in effect.

Response #48
All of the permit conditions, including monitoring requirements, are effective and enforceable as long as the permit is in effect, including any period of time during which the permit is administratively continued under 40 CFR 122.6. It is not necessary to state this.

Comment #49 (IRU)
IRU supports all of the effluent monitoring requirements.

Response #49
Thank you for your comment.

Comment #50 (IRU)
Idaho Rivers United supports the surface water monitoring requirements, especially the requirement that the monitoring must continue for as long as the permit remains in effect.

Response #50
Thank you for your comment.

References

http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P100043A.TXT


http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1007BKQ.TXT


Standard Methods Online -- Standard Methods for the Examination of Water and Wastewater. 
http://standardmethods.org/

http://water.usgs.gov/owq/FieldManual/
Appendix B: Pioneer Irrigation District Recycled Water Discharge and Use Agreement
March 8, 2018

Mark Hilty
Hamilton, Michaelson & Hilty, LLP
1303 - 12th Avenue Road
Nampa, Idaho 83686

Re: Recycled Water Discharge and Use Agreement

Dear Mark:

Enclosed for your records is one of the two duplicate, fully executed, originals of the *Recycled Water Discharge And Use Agreement*, between the City of Nampa and Pioneer Irrigation District, dated March 7, 2018. Pioneer will retain the second duplicate original for its records.

Very truly yours,

Andrew J. Waldera

AJW/dll
Enclosures
cc: Pioneer Irrigation District
RECYCLED WATER DISCHARGE AND USE AGREEMENT

This RECYCLED WATER DISCHARGE AND USE AGREEMENT ("Agreement") is made and entered into as of the date of the latest signature on the signature pages of this Agreement, by and between the City of Nampa ("City") and Pioneer Irrigation District ("Pioneer") for the purpose of allowing the discharge of recycled water from the Nampa Wastewater Treatment Plant to Pioneer's Phyllis Canal.

WHEREAS, City owns, operates and maintains a public wastewater collection and treatment system which provides wastewater and collection services for City customers; and

WHEREAS, City owns and operates the Nampa Wastewater Treatment Plant ("NWWTP") located at 340 W Railroad St., Nampa, Idaho 83687, to treat collected wastewater; and

WHEREAS, Pioneer owns and operates the Phyllis Canal, passing within approximately one-half (1/2) mile from the NWWTP, which provides irrigation water to lands located within the Pioneer service area; and

WHEREAS, City currently discharges treated wastewater from the NWWTP to Indian Creek pursuant to an NPDES discharge permit issued by the U.S. Environmental Protection Agency ("EPA"), Permit No. ID0022063, which permit is current and in good standing; and

WHEREAS, the City desires to have the option to seasonally discharge Class A recycled water to Pioneer's Phyllis Canal ("Recycled Water") as necessary to provide NPDES permit compliance flexibility related to City’s Indian Creek discharges; and

WHEREAS, Pioneer desires to seasonally receive Recycled Water from the City as a supplemental source of irrigation water supply; and

WHEREAS, City and Pioneer agree that it is in the best interests of the citizens and landowners of both entities to enter into a long-term agreement providing terms for the discharge and use of Recycled Water from the NWWTP to the Phyllis Canal.

NOW, THEREFORE, in consideration of the foregoing, it is mutually agreed by the parties that:

SECTION A - CITY OBLIGATIONS

1. City, at its sole cost, shall design, construct and maintain necessary improvements to connect the outflow of the NWWTP to the Phyllis Canal. City shall obtain written approval of piping and connection plans and designs from Pioneer prior to beginning construction of the improvements necessary to make the connection.
2. Upon connection, the City shall be authorized to discharge up to 41 cfs (annual average) of Recycled Water, or more if approved in subsequent writing by Pioneer. The timing of discharges shall be governed by the following provisions:

   a. For discharges that occur during times when Pioneer is using the Phyllis Canal for irrigation water delivery ("Irrigation Season"), City shall forecast and provide Pioneer the estimated flow rates and duration of any anticipated Recycled Water discharge to the Phyllis Canal on a weekly basis for the upcoming week so that Pioneer can coordinate its canal operations accordingly.

   b. If City desires to discharge Recycled Water at times other than during the Irrigation Season such discharges shall be coordinated with, and approved in advance by, Pioneer so as to ensure compatibility with Pioneer’s canal operations, maintenance schedules and obligations. Provided, however, that in the absence of an emergency beyond Pioneer and City’s reasonable control, Pioneer shall plan its canal operations, maintenance schedules and obligations to accommodate the discharge of Recycled Water to the Phyllis Canal under this Agreement every year between May 1 and October 1.

   c. City may commence discharges as soon as the 2026 Irrigation Season but cannot commit to any specific commencement date. City anticipates at this time that discharges will be underway by, or before, the Irrigation Season for the year 2031.

3. Unless otherwise agreed to in writing by the parties and approved by the Idaho Department of Environmental Quality ("DEQ"), all Recycled Water discharged to Pioneer’s Phyllis Canal shall meet or exceed the water quality requirements for Class A Recycled Water as specified in IDAPA 58.01.17, Recycled Water Rules. However, it is understood that all non-water quality-related requirements such as signage, setbacks and recycled water piping will not be applicable. The City shall also be responsible for meeting any more stringent requirements, if required, by DEQ.

4. City, at its sole cost, will be responsible for operation and maintenance of all piping, pumping and other conveyance facilities from the NWTP to the point of discharge to the Phyllis Canal. City shall ensure that at all times a functioning and accurate measurement device is installed, maintained and operating downstream of the NWTP but upstream from the point of connection to the Phyllis Canal for purposes of measuring discharges. The measuring device shall be automated, capable of sending Pioneer flow data in real time so that Pioneer can detect and track/monitor discharge flow fluctuations and coordinate its canal operation and maintenance activities accordingly. Pioneer shall have the right to inspect and verify the functionality and accuracy of the measuring device upon request. City also agrees to explore additional discharge automation opportunities in the future in cooperation with Pioneer, which automation may, for example, link instantaneous City Recycled Water discharge data with Pioneer Phyllis Canal diversions at the Boise River and other canal input locations effectively mitigating canal flow fluctuations.

5. City shall comply with any and all applicable local, state, and/or federal laws, rules
and regulations, including obtaining any and all permits necessary, concerning the construction and maintenance of the connection facilities and the discharge of Recycled Water to the Phyllis Canal.

6. The City shall conduct effluent testing in accordance with all applicable laws, rules, regulations and permits concerning its discharge of Recycled Water to the Phyllis Canal. The test results shall be shared with Pioneer via electronic media on a monthly basis. The City shall notify Pioneer within 24 hours of determination that the City is out of compliance with any Class A Recycled Water quality requirement and shall take steps reasonably necessary to cease all discharges into the Phyllis Canal until City has established it is able to discharge consistent with Class A water quality requirements/criteria. City shall immediately cease discharge if the City or Pioneer determines that City’s discharge fails to meet Class A Recycled Water standards in accordance with IDAPA 58.01.17, or otherwise presents an immediate health risk to Pioneer patrons.

7. Up to a maximum amount of $5,000, City agrees to pay all attorney fees, and any other fees and costs incurred by Pioneer from and after October 1, 2017 in connection with the negotiation, preparation and execution of this Agreement and any related agreements and other documents, within forty five (45) days of the City receiving itemized invoices. The billing shall be sent directly to the City, attention Public Works Director.

8. City shall use its best efforts to obtain all necessary discharge permits and upon obtaining said permits shall complete design and construction of piping and other construction necessary to enable it to discharge into the Phyllis Canal. City anticipates construction shall be complete no later than March 15, 2031.

9. City reserves the right to serve itself and its own municipal irrigation system customers with Recycled Water, provided such use is compliant with all applicable laws, rules and regulations, including Idaho Code Sections 67-6537 and 31-3805.

10. City shall comply with any request by Pioneer to suspend discharges in the event of an emergency or other circumstance which requires Pioneer to dewater or reduce flows in its canal system.

SECTION B - PIONEER OBLIGATIONS

1. Subject to the provisions of this Agreement, Pioneer agrees to allow the City to do all things reasonably necessary to connect the Recycled Water outflow of the NWWTP to the Phyllis Canal at the point(s) shown on Exhibit A attached hereto and incorporated by reference herein. Pioneer shall review and provide written comment and/or approval of City-prepared piping and connection plans and designs prior to the City beginning construction of the improvements necessary to make the connection. Pioneer will grant the City all necessary licenses and easements to allow for construction and maintenance of the connection consistent with its (Pioneer’s) review of facility encroachments under Idaho Code Section 42-1209.

2. Upon connection, Pioneer authorizes the City to discharge up to 41 cfs (annual
average) of Recycled Water to the Phyllis Canal each year consistent with Section A.2, above.

3. Pioneer acknowledges that the City is not obligated, nor does it guarantee, to provide any Recycled Water flow to Pioneer. Pioneer also acknowledges that the City needs the use of the Phyllis Canal for effluent temperature mitigation and that Pioneer will handle, manage and convey discharged Recycled Water as an integrated part of its irrigation operations.

4. Pioneer shall actively cooperate with City in obtaining all permits and approvals from DEQ necessary for the discharge contemplated under this Agreement. It is the parties’ intent under this Agreement to obtain a recycled wastewater re-use permit from DEQ under IDAPA 58.01.17. The parties are not obligated to seek or obtain an NPDES permit authorizing the discharge of Recycled Water to the Phyllis Canal contemplated herein. To the contrary, the parties find any NPDES permit requirement unnecessary and inconsistent with Idaho’s Water Quality Standards.

SECTION C - MISCELLANEOUS PROVISIONS

1. This Agreement shall continue in force until terminated by either party as provided herein.

2. Due to the substantial up-front costs incurred by the City in making the connection from its NWWTP to the Phyllis Canal and City’s corresponding long-term NPDES Permit compliance requirements, during the first twenty-five (25) years of this Agreement Pioneer may only terminate this Agreement if: 1) the City is determined to be in material breach; or 2) the discharge of Recycled Water into the Phyllis Canal will require Pioneer to obtain and comply with an NPDES permit for its operations; or 3) the acceptance of the Recycled Water imposes additional requirements or restrictions upon Pioneer, including water quality monitoring or reporting not otherwise currently required of it that cannot or will not be performed by City or by mutual agreement between City and Pioneer; or 4) termination is required pursuant to an administrative or judicial order; or 5) the discharge of Recycled Water causes (or threatens to cause) Pioneer to be in violation of any law, rule or regulation of any governmental agency having or asserting jurisdiction over Pioneer and its facilities and activities. After twenty-five (25) years, Pioneer may terminate this Agreement with or without cause by providing at least five (5) years written notice to the City of intent to terminate. At termination, City will take all necessary steps, at its own expense, to cease the Recycled Water discharge and disconnect the City piping from the Phyllis Canal.

3. The City may terminate this Agreement if Pioneer is determined to be in material breach of this Agreement, or without cause by providing at least ten (10) years written notice to Pioneer of its intent to terminate. In the event either party claims a material breach of this Agreement, the parties shall enter into a dispute resolution process, which shall include good faith negotiations attempting to resolve the dispute in a manner saving and continuing the terms of this RECYCLED WATER DISCHARGE AND USE AGREEMENT, Page 4
4. This Agreement shall be declared null and void should the City and Pioneer fail to obtain any necessary approvals, including permits, licenses or easements, for the discharge of Recycled Water to the Phyllis Canal.

5. The City shall defend, indemnify and save and hold harmless Pioneer from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses arising or resulting from the City's discharge of Recycled Water under this Agreement not caused by or arising out of the negligent conduct of Pioneer or its agents, contractors or employees. Pioneer shall defend, indemnify and save and hold harmless City from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses arising or resulting from the conveyance of the Recycled Water following its discharge into the Phyllis Canal not caused by or arising out of the negligent conduct of City or its agents, contractors or employees. Nothing herein shall be construed as a waiver of the parties' respective rights, claims, or defenses under the Idaho Tort Claims Act.

6. If necessary or desired, and expressly agreed to by the parties, Pioneer and City shall cooperatively educate and inform the public and Pioneer patrons of the benefits and advantages realized by Pioneer and City as a result of this Agreement.

7. No waiver or modification of this Agreement shall be valid unless it is in writing and signed by each of the parties hereto.

8. This Agreement shall be binding upon, and inure to the benefit of, the parties and their heirs, successors, and assigns.

9. If either party hereto shall be determined to be in material breach of any of the terms hereof, such party shall pay to the non-defaulting party all of the non-defaulting party's costs and expenses, including reasonable attorneys' fees, incurred by such party in enforcing the terms of this Agreement, subject to the good faith dispute resolution requirements of Section C.3, above.

10. This Agreement constitutes the entire Agreement between the parties with respect to the subject matter hereof. This Agreement supersedes any and all other Agreements, whether or not in writing, between the parties with respect to the subject matter hereof.

11. This Agreement shall be subject to and governed by the law of the State of Idaho. Exclusive jurisdiction and venue for the interpretation and enforcement of this Agreement lies in
the District Court for the Third Judicial District, Canyon County, Idaho.

12. The headings in this Agreement are inserted for convenience only and shall not be considered in interpreting the provisions hereof. The recitals are a part of this Agreement and contractual.

13. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

14. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right or remedy upon a breach hereof shall not constitute a waiver of any provision of this Agreement or limit such party’s right to enforce any provision or exercise any right.

15. City shall not allow any liens as a result of any labor performed or materials supplied in connection with its activities under this Agreement to attach to the Phyllis Canal, its corresponding irrigation easement and right-of-way, or to any other adjacent lands or easements held by Pioneer.

16. The parties hereto agree that nothing herein contained shall be construed to create a joint venture, partnership, or other similar relationship which might subject any party to liability for the debts and/or obligations of the other, except as otherwise expressly agreed in this Agreement. No director, officer, staff member, agent, or designee of either party hereto shall incur any liability hereunder to the other party hereto, or to any other party in such person’s individual capacity by reason of such person’s actions hereunder or execution hereof.

17. Notwithstanding anything to the contrary in this Agreement, City acknowledges and agrees that it is solely responsible for the operation and maintenance of the NWWTP, and all related infrastructure, including the Recycled Water discharge pipeline contemplated in this Agreement. City also acknowledges and agrees that it is solely responsible for achieving and maintaining any and all applicable regulatory compliance regarding the operation of the NWWTP including, without limitation, NPDES Permit No. ID0022063. Pioneer shall not be liable for any costs or expenses associated with the NWWTP or its related infrastructure, or for any costs or expenses related to the regulatory burdens thereof including, without limitation, any fines, penalties, expenses, fees or costs arising from any regulatory enforcement actions commenced against City in relation thereto.

18. All notices shall be given in writing to the other party at their address set forth
below, and shall be effective upon receipt:

**Pioneer:** Pioneer Irrigation District
P.O. Box 426
Caldwell, ID 83606
Attn: Superintendent

**Nampa:** City of Nampa
411 3rd Street So.
Nampa, Idaho 83651
Attention: Public Works Director

19. This Agreement shall not be used or construed as creating or establishing, or entitling any third party to create or establish, any water right in connection with the Recycled Water.

20. The parties represent and warrant that the person signing this Agreement on behalf of each party has been duly authorized to do so, and is fully vested with the authority to bind that party in all respects.

THE PARTIES hereto have executed this Agreement effective as of the latest date of execution set forth below.

**THE CITY OF NAMPA, IDAHO**

By ____________________________
Deborah Kling, Mayor
Dated 3-5-18

**ATTEST:**

______________________________
City Clerk

**PIOioneer Irrigation District**

By ____________________________
Alan Newhill, President
Dated 3/7/2018

**ATTEST:**

______________________________
Secretary

RECYCLED WATER DISCHARGE AND USE AGREEMENT, Page 7
Appendix C: Indian Creek Background Flow Data
### Table C-1. May 2012 Indian Creek Background Flow Data

<table>
<thead>
<tr>
<th>Date</th>
<th>Flow (cfs)</th>
<th>Temperature (°C)</th>
<th>NO\textsubscript{2}-NO\textsubscript{3} (mg/l)</th>
<th>TKN (mg/l)</th>
<th>Total Nitrogen (mg/l)</th>
<th>Total Phosphorus (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/1/2012</td>
<td>64</td>
<td>14.3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/2/2012</td>
<td>63</td>
<td>9.8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.17</td>
</tr>
<tr>
<td>5/3/2012</td>
<td>72</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/4/2012</td>
<td>77</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/5/2012</td>
<td>72</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/6/2012</td>
<td>75</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/7/2012</td>
<td>77</td>
<td>14.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/8/2012</td>
<td>68</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/9/2012</td>
<td>56</td>
<td>11.4</td>
<td>2.14</td>
<td>0.49</td>
<td>2.63</td>
<td>0.13</td>
</tr>
<tr>
<td>5/10/2012</td>
<td>51</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/11/2012</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/12/2012</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/13/2012</td>
<td>43</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/14/2012</td>
<td>43</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/15/2012</td>
<td>46</td>
<td>16.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/16/2012</td>
<td>45</td>
<td>13.8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.24</td>
</tr>
<tr>
<td>5/17/2012</td>
<td>45</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/18/2012</td>
<td>48</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/19/2012</td>
<td>48</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/20/2012</td>
<td>48</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/21/2012</td>
<td>47</td>
<td>17.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/22/2012</td>
<td>48</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/23/2012</td>
<td>49</td>
<td>12.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.20</td>
</tr>
<tr>
<td>5/24/2012</td>
<td>49</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/25/2012</td>
<td>51</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/26/2012</td>
<td>60</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/27/2012</td>
<td>63</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/28/2012</td>
<td>57</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/29/2012</td>
<td>51</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5/30/2012</td>
<td>51</td>
<td>13.6</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.24</td>
</tr>
<tr>
<td>5/31/2012</td>
<td>50</td>
<td>15.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>55</strong></td>
<td><strong>13.9</strong></td>
<td><strong>2.14</strong></td>
<td><strong>0.49</strong></td>
<td><strong>2.63</strong></td>
<td><strong>0.20</strong></td>
</tr>
<tr>
<td>Date</td>
<td>Flow (cfs)</td>
<td>Temperature (°C)</td>
<td>NO₂-NO₃ (mg/l)</td>
<td>TKN (mg/l)</td>
<td>Total Nitrogen (mg/l)</td>
<td>Total Phosphorus (mg/l)</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
<td>------------------</td>
<td>----------------</td>
<td>------------</td>
<td>-----------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>6/1/2012</td>
<td>49</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/2/2012</td>
<td>50</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/3/2012</td>
<td>47</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/4/2012</td>
<td>56</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/5/2012</td>
<td>44</td>
<td>15.3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/6/2012</td>
<td>47</td>
<td>11.7</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.20</td>
</tr>
<tr>
<td>6/7/2012</td>
<td>44</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/8/2012</td>
<td>44</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/9/2012</td>
<td>47</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/10/2012</td>
<td>49</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/11/2012</td>
<td>47</td>
<td>18.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/12/2012</td>
<td>45</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/13/2012</td>
<td>42</td>
<td>15.4</td>
<td>4.80</td>
<td>0.61</td>
<td>5.41</td>
<td>0.19</td>
</tr>
<tr>
<td>6/14/2012</td>
<td>50</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/15/2012</td>
<td>38</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/16/2012</td>
<td>38</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/17/2012</td>
<td>39</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/18/2012</td>
<td>38</td>
<td>18.1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/19/2012</td>
<td>28</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/20/2012</td>
<td>32</td>
<td>14.3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.20</td>
</tr>
<tr>
<td>6/21/2012</td>
<td>36</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/22/2012</td>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/23/2012</td>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/24/2012</td>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/25/2012</td>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/26/2012</td>
<td>24</td>
<td>17.6</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/27/2012</td>
<td>26</td>
<td>15.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.24</td>
</tr>
<tr>
<td>6/28/2012</td>
<td>29</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/29/2012</td>
<td>28</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/30/2012</td>
<td>30</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>38</strong></td>
<td><strong>15.7</strong></td>
<td><strong>4.80</strong></td>
<td><strong>0.61</strong></td>
<td><strong>5.41</strong></td>
<td><strong>0.21</strong></td>
</tr>
<tr>
<td>Date</td>
<td>Flow (cfs)</td>
<td>Temperature °C</td>
<td>NO2-NO3 (mg/l)</td>
<td>TKN (mg/l)</td>
<td>Total Nitrogen (mg/l)</td>
<td>Total Phosphorus (mg/l)</td>
</tr>
<tr>
<td>------------</td>
<td>------------</td>
<td>----------------</td>
<td>----------------</td>
<td>------------</td>
<td>----------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>7/1/2012</td>
<td>32</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/2/2012</td>
<td>31</td>
<td>19.9</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/3/2012</td>
<td>29</td>
<td>18.0</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>0.23</td>
</tr>
<tr>
<td>7/4/2012</td>
<td>29</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/5/2012</td>
<td>32</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/6/2012</td>
<td>30</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/7/2012</td>
<td>31</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/8/2012</td>
<td>33</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/9/2012</td>
<td>34</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/10/2012</td>
<td>33</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/11/2012</td>
<td>50</td>
<td>18.6</td>
<td>3.87</td>
<td>0.43</td>
<td>4.30</td>
<td>0.26</td>
</tr>
<tr>
<td>7/12/2012</td>
<td>54</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/13/2012</td>
<td>58</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/14/2012</td>
<td>59</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/15/2012</td>
<td>61</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/16/2012</td>
<td>62</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/17/2012</td>
<td>55</td>
<td>18.1</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/18/2012</td>
<td>54</td>
<td>18.5</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>0.21</td>
</tr>
<tr>
<td>7/19/2012</td>
<td>36</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/20/2012</td>
<td>33</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/21/2012</td>
<td>34</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/22/2012</td>
<td>34</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/23/2012</td>
<td>35</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/24/2012</td>
<td>34</td>
<td>18.3</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/25/2012</td>
<td>31</td>
<td>17.8</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>0.22</td>
</tr>
<tr>
<td>7/26/2012</td>
<td>30</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/27/2012</td>
<td>28</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/28/2012</td>
<td>27</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/29/2012</td>
<td>28</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/30/2012</td>
<td>29</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7/31/2012</td>
<td>28</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Date</td>
<td>Flow (cfs)</td>
<td>Temperature (°C)</td>
<td>NO₂-NO₃ (mg/l)</td>
<td>TKN (mg/l)</td>
<td>Total Nitrogen (mg/l)</td>
<td>Total Phosphorus (mg/l)</td>
</tr>
<tr>
<td>---------</td>
<td>------------</td>
<td>------------------</td>
<td>----------------</td>
<td>------------</td>
<td>----------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>8/1/2012</td>
<td>29</td>
<td>18.2</td>
<td>4.47</td>
<td>0.68</td>
<td>5.15</td>
<td>0.26</td>
</tr>
<tr>
<td>8/2/2012</td>
<td>29</td>
<td>19.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/3/2012</td>
<td>28</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/4/2012</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/5/2012</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/6/2012</td>
<td>28</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/7/2012</td>
<td>29</td>
<td>19.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/8/2012</td>
<td>30</td>
<td>18.4</td>
<td></td>
<td></td>
<td></td>
<td>0.32</td>
</tr>
<tr>
<td>8/9/2012</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/10/2012</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/11/2012</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/12/2012</td>
<td>35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/13/2012</td>
<td>39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/14/2012</td>
<td>42</td>
<td>18.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/15/2012</td>
<td>42</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/16/2012</td>
<td>41</td>
<td>17.9</td>
<td></td>
<td></td>
<td></td>
<td>0.23</td>
</tr>
<tr>
<td>8/17/2012</td>
<td>41</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/18/2012</td>
<td>41</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/19/2012</td>
<td>44</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/20/2012</td>
<td>47</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/21/2012</td>
<td>46</td>
<td>18.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/22/2012</td>
<td>45</td>
<td>17.6</td>
<td></td>
<td></td>
<td></td>
<td>0.26</td>
</tr>
<tr>
<td>8/23/2012</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/24/2012</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/25/2012</td>
<td>47</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/26/2012</td>
<td>54</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/27/2012</td>
<td>62</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/28/2012</td>
<td>60</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/29/2012</td>
<td>50</td>
<td>17.1</td>
<td></td>
<td></td>
<td></td>
<td>0.24</td>
</tr>
<tr>
<td>8/30/2012</td>
<td>50</td>
<td>17.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/31/2012</td>
<td>53</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Average: 40, 18.2, 4.47, 0.68, 5.15, 0.26
### Table C-5. September 2012 Indian Creek Background Flow Data

<table>
<thead>
<tr>
<th>Date</th>
<th>Flow (cfs)</th>
<th>Temperature (°C)</th>
<th>NO₂-NO₃ (mg/l)</th>
<th>TKN (mg/l)</th>
<th>Total Nitrogen (mg/l)</th>
<th>Total Phosphorus (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/1/2012</td>
<td>53</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/2/2012</td>
<td>53</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/3/2012</td>
<td>54</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/4/2012</td>
<td>53</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/5/2012</td>
<td>54</td>
<td>16.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.19</td>
</tr>
<tr>
<td>9/6/2012</td>
<td>54</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/7/2012</td>
<td>53</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/8/2012</td>
<td>56</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/9/2012</td>
<td>70</td>
<td>17.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/10/2012</td>
<td>70</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/11/2012</td>
<td>70</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/12/2012</td>
<td>70</td>
<td>14.1</td>
<td>3.07</td>
<td>0.45</td>
<td>3.52</td>
<td>0.20</td>
</tr>
<tr>
<td>9/13/2012</td>
<td>69</td>
<td>15.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/14/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/15/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/16/2012</td>
<td>69</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/17/2012</td>
<td>70</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/18/2012</td>
<td>70</td>
<td>15.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/19/2012</td>
<td>70</td>
<td>14.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.17</td>
</tr>
<tr>
<td>9/20/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/21/2012</td>
<td>72</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/22/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/23/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/24/2012</td>
<td>72</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/25/2012</td>
<td>72</td>
<td>16.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/26/2012</td>
<td>72</td>
<td>15.8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.17</td>
</tr>
<tr>
<td>9/27/2012</td>
<td>72</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/28/2012</td>
<td>72</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/29/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/30/2012</td>
<td>71</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>66</strong></td>
<td><strong>15.6</strong></td>
<td><strong>3.07</strong></td>
<td><strong>0.45</strong></td>
<td><strong>3.52</strong></td>
<td><strong>0.18</strong></td>
</tr>
</tbody>
</table>
Appendix D: Phyllis Canal Background Data
### Table D-1. Phyllis Canal Background Data

<table>
<thead>
<tr>
<th>Date</th>
<th>Temperature °C</th>
<th>TDS mg/L</th>
<th>Total P mg/L</th>
<th>Ortho P (as P) mg/L</th>
<th>TKN mg/L</th>
<th>NH₃ mg/L</th>
<th>NO₃-N₂O₂ mg/L</th>
<th>NO₃ mg/L</th>
<th>TN mg/L</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/25/2007</td>
<td>0.16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/2/2007</td>
<td>0.39</td>
<td>0.02</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/6/2007</td>
<td>0.41</td>
<td>0.06</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/11/2007</td>
<td>0.33</td>
<td>0.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/25/2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/8/2007</td>
<td>0.30</td>
<td>0.16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/15/2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/29/2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/5/2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/12/2007</td>
<td>0.39</td>
<td>0.18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.1</td>
</tr>
<tr>
<td>9/19/2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/1/2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/3/2007</td>
<td>0.43</td>
<td>0.04</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.2</td>
</tr>
<tr>
<td>4/16/2008</td>
<td>0.50</td>
<td>0.04</td>
<td></td>
<td></td>
<td>1.75</td>
<td></td>
<td></td>
<td></td>
<td>1.8</td>
</tr>
<tr>
<td>4/30/2008</td>
<td>0.40</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/3/2008</td>
<td>0.32</td>
<td>0.03</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.2</td>
</tr>
<tr>
<td>5/13/2008</td>
<td>10.5</td>
<td>0.32</td>
<td>0.25</td>
<td>0.60</td>
<td>0.03</td>
<td>1.20</td>
<td></td>
<td>1.80</td>
<td></td>
</tr>
<tr>
<td>5/28/2008</td>
<td>0.28</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.65</td>
<td></td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>5/28/2008</td>
<td>12.0</td>
<td>0.28</td>
<td>0.15</td>
<td>0.40</td>
<td>0.06</td>
<td>0.65</td>
<td></td>
<td>1.05</td>
<td></td>
</tr>
<tr>
<td>6/10/2008</td>
<td>0.24</td>
<td></td>
<td></td>
<td></td>
<td>0.01</td>
<td>0.68</td>
<td></td>
<td>0.4</td>
<td></td>
</tr>
<tr>
<td>6/10/2008</td>
<td>12.2</td>
<td>0.24</td>
<td>0.18</td>
<td>0.30</td>
<td>0.01</td>
<td>0.68</td>
<td></td>
<td>0.98</td>
<td></td>
</tr>
<tr>
<td>6/25/2008</td>
<td>0.36</td>
<td></td>
<td></td>
<td></td>
<td>0.01</td>
<td>1.34</td>
<td></td>
<td>0.9</td>
<td></td>
</tr>
<tr>
<td>6/25/2008</td>
<td>15.2</td>
<td>0.36</td>
<td>0.27</td>
<td>0.60</td>
<td>0.01</td>
<td>1.34</td>
<td></td>
<td>1.94</td>
<td></td>
</tr>
<tr>
<td>7/1/2008</td>
<td>0.34</td>
<td></td>
<td></td>
<td></td>
<td>0.11</td>
<td>1.03</td>
<td></td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td>7/1/2008</td>
<td>17.0</td>
<td>0.34</td>
<td>0.25</td>
<td>0.50</td>
<td>0.11</td>
<td>1.03</td>
<td></td>
<td>1.53</td>
<td></td>
</tr>
<tr>
<td>7/16/2008</td>
<td>0.26</td>
<td></td>
<td></td>
<td></td>
<td>0.10</td>
<td>0.99</td>
<td></td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>7/16/2008</td>
<td>17.1</td>
<td>0.26</td>
<td>0.20</td>
<td>0.50</td>
<td>0.10</td>
<td>0.99</td>
<td></td>
<td>1.49</td>
<td></td>
</tr>
<tr>
<td>8/12/2008</td>
<td>0.31</td>
<td></td>
<td></td>
<td></td>
<td>0.14</td>
<td>1.68</td>
<td></td>
<td>1.3</td>
<td></td>
</tr>
<tr>
<td>8/12/2008</td>
<td>18.0</td>
<td>0.31</td>
<td>0.25</td>
<td>0.30</td>
<td>0.14</td>
<td>1.68</td>
<td></td>
<td>1.98</td>
<td></td>
</tr>
<tr>
<td>8/27/2008</td>
<td>0.33</td>
<td></td>
<td></td>
<td></td>
<td>0.03</td>
<td>1.62</td>
<td></td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>8/27/2008</td>
<td>16.5</td>
<td>0.33</td>
<td>0.31</td>
<td>0.40</td>
<td>0.03</td>
<td>1.62</td>
<td></td>
<td>2.02</td>
<td></td>
</tr>
<tr>
<td>9/9/2008</td>
<td>17.0</td>
<td>0.33</td>
<td>0.30</td>
<td>0.05</td>
<td>0.04</td>
<td>1.50</td>
<td></td>
<td>1.55</td>
<td></td>
</tr>
<tr>
<td>9/24/2008</td>
<td>0.26</td>
<td></td>
<td></td>
<td></td>
<td>0.10</td>
<td>1.12</td>
<td></td>
<td>0.9</td>
<td></td>
</tr>
<tr>
<td>9/24/2008</td>
<td>15.0</td>
<td>0.26</td>
<td>0.27</td>
<td>0.50</td>
<td>0.10</td>
<td>1.12</td>
<td></td>
<td>1.62</td>
<td></td>
</tr>
<tr>
<td>10/7/2008</td>
<td>0.24</td>
<td></td>
<td></td>
<td></td>
<td>0.05</td>
<td>1.06</td>
<td></td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>10/7/2008</td>
<td>15.2</td>
<td>0.24</td>
<td>0.23</td>
<td>0.50</td>
<td>0.05</td>
<td>1.06</td>
<td></td>
<td>1.56</td>
<td></td>
</tr>
<tr>
<td>5/14/2009</td>
<td>0.26</td>
<td></td>
<td></td>
<td></td>
<td>0.30</td>
<td></td>
<td></td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>6/4/2009</td>
<td>0.22</td>
<td></td>
<td></td>
<td></td>
<td>0.10</td>
<td></td>
<td></td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>6/18/2009</td>
<td>0.14</td>
<td></td>
<td></td>
<td></td>
<td>0.09</td>
<td></td>
<td></td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Temperature °C</td>
<td>TDS mg/L</td>
<td>Total P mg/L</td>
<td>Ortho P (as P) mg/L</td>
<td>TKN mg/L</td>
<td>NH₃ mg/L</td>
<td>NO₂-NO₃mg/L</td>
<td>NO₃ mg/L</td>
<td>TN mg/L</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>----------</td>
<td>---------------</td>
<td>---------------------</td>
<td>-----------</td>
<td>----------</td>
<td>-------------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>6/24/2009</td>
<td>0.14</td>
<td>0.08</td>
<td>0.30</td>
<td>0.24</td>
<td>0.09</td>
<td>1.23</td>
<td>0.77</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>7/8/2009</td>
<td>0.25</td>
<td>0.05</td>
<td>0.40</td>
<td>0.40</td>
<td>0.09</td>
<td>1.44</td>
<td>0.77</td>
<td>1.86</td>
<td></td>
</tr>
<tr>
<td>7/22/2009</td>
<td>0.34</td>
<td>0.04</td>
<td>0.70</td>
<td>0.70</td>
<td>0.05</td>
<td>1.00</td>
<td>0.80</td>
<td>0.90</td>
<td></td>
</tr>
<tr>
<td>8/12/2009</td>
<td>0.32</td>
<td>0.04</td>
<td>0.70</td>
<td>0.70</td>
<td>0.05</td>
<td>1.00</td>
<td>0.80</td>
<td>0.90</td>
<td></td>
</tr>
<tr>
<td>8/26/2009</td>
<td>0.32</td>
<td>0.05</td>
<td>0.70</td>
<td>0.70</td>
<td>0.05</td>
<td>1.00</td>
<td>0.80</td>
<td>0.90</td>
<td></td>
</tr>
<tr>
<td>9/30/2009</td>
<td>0.29</td>
<td>0.02</td>
<td>0.80</td>
<td>0.80</td>
<td>0.05</td>
<td>1.00</td>
<td>0.80</td>
<td>0.90</td>
<td></td>
</tr>
<tr>
<td>2007-2009 Average</td>
<td>15.1</td>
<td>0.30</td>
<td>0.24</td>
<td>0.42</td>
<td>0.09</td>
<td>1.23</td>
<td>0.77</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>8/20/2018</td>
<td>19.0</td>
<td>140</td>
<td>0.08</td>
<td>0.32</td>
<td>2.03</td>
<td>2.35</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/21/2018</td>
<td>19.1</td>
<td>134</td>
<td>0.07</td>
<td>0.32</td>
<td>1.72</td>
<td>2.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/22/2018</td>
<td>20.1</td>
<td>136</td>
<td>0.11</td>
<td>0.28</td>
<td>1.71</td>
<td>1.99</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/23/2018</td>
<td>20.1</td>
<td>126</td>
<td>0.07</td>
<td>0.30</td>
<td>3.53</td>
<td>3.83</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/24/2018</td>
<td>19.5</td>
<td>140</td>
<td>0.07</td>
<td>0.34</td>
<td>1.67</td>
<td>2.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/25/2018</td>
<td>20.5</td>
<td>135</td>
<td>0.18</td>
<td>0.32</td>
<td>1.71</td>
<td>2.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/27/2018</td>
<td>18.3</td>
<td>134</td>
<td>0.08</td>
<td>0.33</td>
<td>1.51</td>
<td>1.84</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/28/2018</td>
<td>19.2</td>
<td>104</td>
<td>0.06</td>
<td>0.28</td>
<td>1.63</td>
<td>1.91</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/29/2018</td>
<td>17.7</td>
<td>134</td>
<td>0.03</td>
<td>0.31</td>
<td>1.30</td>
<td>1.61</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/30/2018</td>
<td>19.0</td>
<td>136</td>
<td>0.09</td>
<td>0.46</td>
<td>1.60</td>
<td>2.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8/31/2018</td>
<td>20.1</td>
<td>106</td>
<td>0.04</td>
<td>0.33</td>
<td>1.24</td>
<td>1.57</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/1/2018</td>
<td>17.8</td>
<td>125</td>
<td>0.11</td>
<td>0.36</td>
<td>1.42</td>
<td>1.78</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/3/2018</td>
<td>19.8</td>
<td>111</td>
<td>0.06</td>
<td>0.29</td>
<td>1.10</td>
<td>1.39</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/4/2018</td>
<td>18.2</td>
<td>122</td>
<td>0.07</td>
<td>0.31</td>
<td>1.33</td>
<td>1.64</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/5/2018</td>
<td>19.4</td>
<td>145</td>
<td>0.08</td>
<td>0.33</td>
<td>1.40</td>
<td>1.73</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/6/2018</td>
<td>21.6</td>
<td>166</td>
<td>0.08</td>
<td>0.36</td>
<td>1.72</td>
<td>2.08</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/7/2018</td>
<td>19.2</td>
<td>130</td>
<td>0.06</td>
<td>0.33</td>
<td>1.67</td>
<td>2.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/8/2018</td>
<td>20.0</td>
<td>144</td>
<td>0.08</td>
<td>0.41</td>
<td>1.82</td>
<td>2.23</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/10/2018</td>
<td>17.7</td>
<td>170</td>
<td>0.08</td>
<td>0.45</td>
<td>1.47</td>
<td>1.92</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/11/2018</td>
<td>17.7</td>
<td>153</td>
<td>0.08</td>
<td>0.36</td>
<td>1.69</td>
<td>2.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/12/2018</td>
<td>17.8</td>
<td>148</td>
<td>0.06</td>
<td>0.31</td>
<td>1.48</td>
<td>1.79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/13/2018</td>
<td>16.6</td>
<td>169</td>
<td>0.14</td>
<td>0.38</td>
<td>1.48</td>
<td>1.86</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/14/2018</td>
<td>17.4</td>
<td>147</td>
<td>0.08</td>
<td>0.42</td>
<td>1.51</td>
<td>1.93</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/15/2018</td>
<td>17.7</td>
<td>164</td>
<td>0.06</td>
<td>0.39</td>
<td>1.65</td>
<td>2.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018 Average</td>
<td>18.9</td>
<td>138</td>
<td>0.08</td>
<td>0.35</td>
<td>1.64</td>
<td>1.99</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overall Average</td>
<td>17.7</td>
<td>138</td>
<td>0.22</td>
<td>0.24</td>
<td>0.37</td>
<td>0.09</td>
<td>1.44</td>
<td>0.77</td>
<td>1.86</td>
</tr>
</tbody>
</table>
Appendix E: Groundwater Modelling Documentation
Table of Contents

List of Tables.............................................................................................................................................................. ii
Section 1: Introduction and Background ................................................................................................................ 1
Section 2: Background Groundwater Quality .......................................................................................................... 1
Section 3: Model Inputs ........................................................................................................................................... 2
Section 4: Model Results ......................................................................................................................................... 4
Section 5: Summary ................................................................................................................................................. 4

List of Tables

Table E-1. Background Groundwater Analyte Data ................................................................................................ 2
Table E-2. Model Inputs ........................................................................................................................................... 3
Section 1: Introduction and Background

Contaminant transport modeling was conducted to assess impact to groundwater from canal seepage for nitrate and total dissolved solids (TDS). Modeling was conducted with the Water Reuse/Land Treatment System (WR/LTS) model obtained from the Idaho Department of Environmental Quality (IDEQ). The WR/LTS model tool consists of two modules, the Nutrient/Hydraulic Balance module and the Groundwater Contaminant Transport module and is conventionally used to estimate groundwater impacts from reuse water applied to agricultural land. The Nutrient/Hydraulic Balance module calculates constituent loading rates, crop uptake and groundwater constituent loss, hydraulic loading rate, and percolate analyte concentration and volume. The percolate concentration and volume are then used as inputs into the Groundwater Contaminant Transport module that calculates groundwater constituent concentration at a defined downgradient location (IDEQ, 2018).

Predicting impacts to groundwater chemistry resulting from canal seepage receiving Class A recycled water from the Nampa Wastewater Treatment Plant (WWTP) is an atypical application of the model that does not require the Nutrient/Hydraulic Balance module. Percolate volume and analyte concentration that would have been generated from the Nutrient/Hydraulic Balance Module are analytical estimates. Percolate concentration was estimated as the concentrations in the Phyllis Canal after the addition of Class A recycled water. Section 7.5.2 of the Preliminary Technical Report provides additional detail. Percolate volume was estimated using published canal seepage estimates, canal flow rate, and areal extent and is described in Section 3.

Other Groundwater Contamination Transport inputs define the geology, aquifer characteristics, and orientation of the source relative to groundwater flow.

The Groundwater Contaminant Transport module guidance instructs the user to define the land treatment swath that is a polygon oriented with groundwater flow direction. The swath length parallel and perpendicular to groundwater flow are key parameters for modeling impacts. The swath would be the perimeter of the field in the agricultural water reuse scenario typical of the model application. In this canal seepage application, two swaths were defined along the Phyllis Canal downstream of the injection point of treated effluent and upstream of other return flows to the canal. One swath was defined in a portion of the canal that flows perpendicular to groundwater flow direction and another in a portion of the canal that flows parallel to groundwater flow. Swath orientation to groundwater flow is the predominant input variable in the Groundwater Contaminant Transport module, and the selection of reaches flowing parallel and perpendicular to groundwater provides impact endmembers.

Section 2: Background Groundwater Quality

Background groundwater quality was determined with analyte data contained in the State of Idaho’s Environmental Data Management System (EDMS). The EDMS is a database of well construction/location data and groundwater quality data that can be assessed using a web-based interactive map. Wells were identified in the vicinity of anticipated impact and included wells directly upgradient of the Class A Recycled water discharge location (Figure 10). Well and analyte data was filtered to include only wells in the shallow aquifer (85 feet or less) and a water quality sampling date within the past 10 years (Table E-1). Background analyte concentration is a model input and is calculated as the average of the filtered data.

A total of 26 wells were identified in the region of interest. When the dataset was filtered for well depth and sampling date, the background nitrate concentration was calculated from nine samples and the TDS were estimated with one data point. Background nitrate concentration was estimated to be 6.2 mg/L and the TDS
concentration to be 538 mg/L. Both background analyte concentration estimates are above the canal water concentrations.

<table>
<thead>
<tr>
<th>Analyte</th>
<th>Well Depth (ft)</th>
<th>Sample Date</th>
<th>Concentration (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrate</td>
<td>83</td>
<td>2017-06-28</td>
<td>4.8</td>
</tr>
<tr>
<td>Nitrate</td>
<td>67</td>
<td>2014-07-16</td>
<td>7.3</td>
</tr>
<tr>
<td>Nitrate</td>
<td>48</td>
<td>2016-07-07</td>
<td>7.6</td>
</tr>
<tr>
<td>Nitrate</td>
<td>80</td>
<td>2015-06-23</td>
<td>8.8</td>
</tr>
<tr>
<td>Nitrate</td>
<td>80</td>
<td>2012-09-11</td>
<td>8.4</td>
</tr>
<tr>
<td>Nitrate</td>
<td>69</td>
<td>2012-09-11</td>
<td>7.7</td>
</tr>
<tr>
<td>Nitrate</td>
<td>78</td>
<td>2012-09-26</td>
<td>6.0</td>
</tr>
<tr>
<td>Nitrate</td>
<td>38</td>
<td>2012-09-11</td>
<td>0.31</td>
</tr>
<tr>
<td>Nitrate</td>
<td>80</td>
<td>2012-09-18</td>
<td>5.1</td>
</tr>
<tr>
<td>Total dissolved solids</td>
<td>48</td>
<td>2011-06-27</td>
<td>538</td>
</tr>
</tbody>
</table>

**Section 3: Model Inputs**

The Groundwater Contaminant Transport module requires mixing zone depth, hydrogeologic, and groundwater transport data inputs. Known input parameters were entered while less certain parameters were estimated and a sensitivity analysis conducted to determine range of potential impacts. Mixing zone depth inputs include the treatment swath dimensions, percolate volume, percolate constituent concentration, and background groundwater constituent concentration. Hydrogeologic inputs are the hydraulic conductivity (high, low range), hydraulic gradient, aquifer material, aquifer porosity, and aquifer thickness. Groundwater transport calculation spatial and temporal inputs are required; however, the soil and chemical properties do not apply for the conservative species modeled (nitrate and TDS).
## Table E-2. Model Inputs

<table>
<thead>
<tr>
<th>Input Parameter</th>
<th>Value</th>
<th>Units</th>
<th>Discussion of Sensitivity</th>
<th>Input Value Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land treatment swath length parallel to groundwater flow</td>
<td>1,700 x 25 ft</td>
<td></td>
<td>Model highly sensitive to parameter</td>
<td>Swath dimensions for the sections parallel to and perpendicular to groundwater flow. 25 ft is canal width. Swath is shown on Figure 11.</td>
</tr>
<tr>
<td>Land treatment swath width perpendicular to groundwater flow</td>
<td>25 x 1,700 ft</td>
<td></td>
<td>Model highly sensitive to parameter</td>
<td>Swath dimensions for the sections parallel to and perpendicular to groundwater flow. 25 ft is canal width.</td>
</tr>
<tr>
<td>Percolate volume</td>
<td>14–23 in/acre</td>
<td></td>
<td>Model sensitive to value, higher value more dilution and larger spatial scale to background</td>
<td>Value estimated on published canal loss estimates and calculated using canal loss estimate (CFS) converted to acre-feet/day and distributed along length of canal</td>
</tr>
<tr>
<td>Percolate constituent concentration: (nitrate, TDS)</td>
<td>Nitrate 5.75 TDS 213 mg/L</td>
<td></td>
<td>Model sensitive to value</td>
<td>Preliminary Technical Report Section 7.5.2.</td>
</tr>
<tr>
<td>Upgradient groundwater concentration: (nitrate, TDS)</td>
<td>Nitrate 6.2 TDS 538 mg/L</td>
<td></td>
<td>Model sensitive to value</td>
<td>Statistical estimation based on available data</td>
</tr>
<tr>
<td>Aquifer hydraulic conductivity: high range, low range</td>
<td>100; 500 mg/L</td>
<td></td>
<td>Model highly sensitive to parameter, accounted for in the model by default</td>
<td>Value range from the IWRRI Treasure Valley Groundwater model study and taken from the IDEQ Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater</td>
</tr>
<tr>
<td>Aquifer hydraulic gradient</td>
<td>0.002 Unitless</td>
<td></td>
<td>Model sensitive to value</td>
<td>Estimated from localized groundwater contours</td>
</tr>
<tr>
<td>Aquifer material</td>
<td>Silt, clay, sand</td>
<td></td>
<td>Model sensitive parameter</td>
<td>Select from drop down menu in tool, simulations ran with each primary aquifer material shown on Figure 11.</td>
</tr>
<tr>
<td>Aquifer effective porosity (enter suggested or other value as a percent)</td>
<td>26–60 %</td>
<td></td>
<td>Model sensitive to parameter</td>
<td>Recommended ranges dependent on aquifer material selected.</td>
</tr>
<tr>
<td>Aquifer thickness</td>
<td>85 ft</td>
<td></td>
<td>Model insensitive to parameter</td>
<td>Estimated with analyte data processing</td>
</tr>
<tr>
<td>Spatial coordinates of concern (x,y,z)</td>
<td>100, 0, 0 ft</td>
<td></td>
<td>Model insensitive to parameter</td>
<td>Hypothetical downgradient point of concern</td>
</tr>
<tr>
<td>Depth of vertical profile to calculate and observe</td>
<td>110.5 ft</td>
<td></td>
<td>Model insensitive to parameter</td>
<td>Model Guide suggests 1.3 times aquifer depth</td>
</tr>
<tr>
<td>Time that the source is discharging</td>
<td>100,000 days</td>
<td></td>
<td>Model sensitive to parameter</td>
<td>Steady state conditions simulated with high value</td>
</tr>
<tr>
<td>AREAL model calculation domain (length, width)</td>
<td>1,000, 1700 ft</td>
<td></td>
<td>Model insensitive to parameter</td>
<td>Dimension of area modeled, entered dimensions of swath</td>
</tr>
</tbody>
</table>

---


Section 4: Model Results

The Groundwater Contaminant Transport module results in a vertical and lateral dilution of background groundwater concentration for nitrate and TDS. This is the expected result because percolate concentration is less than background groundwater concentration. The model is highly sensitive to land treatment swath orientation. Mixing and dilution is exaggerated when the canal is oriented parallel to groundwater flow direction, and mixing is greatly reduced when the swath is perpendicular to groundwater flow. The model is slightly sensitive to changes in hydrogeological/aquifer characteristics. Sensitivity analysis of uncertain input parameters modified the spatial extent of dilution, but in all cases, dilution was in the near field with increasing concentrations to background level at distance.

Section 5: Summary

Groundwater chemistry impacts resulting from canal seepage representative of the reuse permit scenario were evaluated with the use of the IDEQ’s WR/LTS model. Two solutes were analyzed, nitrate and TDS. This application of the WR/LTS model is unconventional and required method modification, most notably the omission of the Nutrient/Hydraulic Balance module as a precursor to the Groundwater Contaminant Transport module. The percolate volume and concentration that are outputs of the Nutrient/Hydraulic Balance module were analytically derived. Background groundwater quality was estimated using available data on the State of Idaho’s EDMS database, and the percolate solute concentrations were below background. The model results showed a dilution of nitrate and TDS concentration that gradually increased to background levels at distance.
Appendix F: Irrigation Water Requirements Discussion
### Section 1: Irrigation Water Requirement

#### Table E-1 Irrigation Water Available and Required per Month (M)

<table>
<thead>
<tr>
<th>Month</th>
<th>Irrigation (MG/M)</th>
<th>RW (MG/M)</th>
<th>Total Available (MG/M)</th>
<th>Total Required (MG/M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>3871</td>
<td>600</td>
<td>4471</td>
<td>254</td>
</tr>
<tr>
<td>May</td>
<td>4000</td>
<td>620</td>
<td>4620</td>
<td>393</td>
</tr>
<tr>
<td>June</td>
<td>3871</td>
<td>600</td>
<td>4471</td>
<td>526</td>
</tr>
<tr>
<td>July</td>
<td>4000</td>
<td>620</td>
<td>4620</td>
<td>671</td>
</tr>
<tr>
<td>August</td>
<td>4000</td>
<td>620</td>
<td>4620</td>
<td>575</td>
</tr>
<tr>
<td>September</td>
<td>3871</td>
<td>600</td>
<td>4471</td>
<td>363</td>
</tr>
<tr>
<td>October</td>
<td>4000</td>
<td>620</td>
<td>4620</td>
<td>187</td>
</tr>
<tr>
<td>Total Growing Season</td>
<td>27613</td>
<td>4280</td>
<td>31893</td>
<td>2409</td>
</tr>
</tbody>
</table>

#### Table E-2 Proposed Irrigation Water Flows

<table>
<thead>
<tr>
<th>Total Flow</th>
<th>1 MGD = 1.55 cfs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canal Flow</td>
<td>200 cfs</td>
</tr>
<tr>
<td>Reuse Water</td>
<td>31 cfs</td>
</tr>
<tr>
<td>Total Flow</td>
<td>231 cfs</td>
</tr>
</tbody>
</table>

#### Table X-X Irrigation Water Requirements for Developed/Turf Grass

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR1 (inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>3.02</td>
<td>30</td>
<td>90.60</td>
<td>25.4</td>
<td>0.6</td>
<td>5.94</td>
<td>5.94</td>
<td>27150</td>
<td>893.8</td>
<td>144.26</td>
</tr>
<tr>
<td>May</td>
<td>4.32</td>
<td>31</td>
<td>133.92</td>
<td>25.4</td>
<td>0.6</td>
<td>8.79</td>
<td>8.79</td>
<td>27150</td>
<td>893.8</td>
<td>213.24</td>
</tr>
<tr>
<td>June</td>
<td>5.51</td>
<td>30</td>
<td>165.30</td>
<td>25.4</td>
<td>0.6</td>
<td>10.85</td>
<td>10.85</td>
<td>27150</td>
<td>893.8</td>
<td>263.21</td>
</tr>
<tr>
<td>July</td>
<td>6.67</td>
<td>31</td>
<td>206.77</td>
<td>25.4</td>
<td>0.6</td>
<td>13.57</td>
<td>13.57</td>
<td>27150</td>
<td>893.8</td>
<td>329.24</td>
</tr>
<tr>
<td>August</td>
<td>5.87</td>
<td>31</td>
<td>181.97</td>
<td>25.4</td>
<td>0.6</td>
<td>11.94</td>
<td>11.94</td>
<td>27150</td>
<td>893.8</td>
<td>289.75</td>
</tr>
<tr>
<td>Sept</td>
<td>4.16</td>
<td>30</td>
<td>124.80</td>
<td>25.4</td>
<td>0.6</td>
<td>8.19</td>
<td>8.19</td>
<td>27150</td>
<td>893.8</td>
<td>198.72</td>
</tr>
<tr>
<td>Oct</td>
<td>2.4</td>
<td>31</td>
<td>74.40</td>
<td>25.4</td>
<td>0.6</td>
<td>4.88</td>
<td>4.88</td>
<td>27150</td>
<td>893.8</td>
<td>118.47</td>
</tr>
<tr>
<td>Total</td>
<td>31.95</td>
<td>977.76</td>
<td></td>
<td>64.16</td>
<td>64.16</td>
<td></td>
<td></td>
<td></td>
<td>1556.91</td>
<td></td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement
### Table X-X Irrigation Water Requirements for Alfalfa

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR1 (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>3.72</td>
<td>30</td>
<td>111.60</td>
<td>25.4</td>
<td>0.6</td>
<td>7.32</td>
<td>7.32</td>
<td>27150</td>
<td>260.6</td>
<td>51.81</td>
</tr>
<tr>
<td>May</td>
<td>5.47</td>
<td>31</td>
<td>169.57</td>
<td>25.4</td>
<td>0.6</td>
<td>11.13</td>
<td>11.13</td>
<td>27150</td>
<td>260.6</td>
<td>78.72</td>
</tr>
<tr>
<td>June</td>
<td>6.78</td>
<td>30</td>
<td>203.40</td>
<td>25.4</td>
<td>0.6</td>
<td>13.35</td>
<td>13.35</td>
<td>27150</td>
<td>260.6</td>
<td>94.43</td>
</tr>
<tr>
<td>July</td>
<td>8.21</td>
<td>31</td>
<td>254.51</td>
<td>25.4</td>
<td>0.6</td>
<td>16.70</td>
<td>16.70</td>
<td>27150</td>
<td>260.6</td>
<td>118.16</td>
</tr>
<tr>
<td>August</td>
<td>7.22</td>
<td>31</td>
<td>223.82</td>
<td>25.4</td>
<td>0.6</td>
<td>14.69</td>
<td>14.69</td>
<td>27150</td>
<td>260.6</td>
<td>103.91</td>
</tr>
<tr>
<td>Sept</td>
<td>5.13</td>
<td>30</td>
<td>153.90</td>
<td>25.4</td>
<td>0.6</td>
<td>10.10</td>
<td>10.10</td>
<td>27150</td>
<td>260.6</td>
<td>71.45</td>
</tr>
<tr>
<td>Oct</td>
<td>2.97</td>
<td>31</td>
<td>92.07</td>
<td>25.4</td>
<td>0.6</td>
<td>6.04</td>
<td>6.04</td>
<td>27150</td>
<td>260.6</td>
<td>42.74</td>
</tr>
<tr>
<td>Total</td>
<td>39.50</td>
<td></td>
<td>1208.87</td>
<td></td>
<td></td>
<td>79.32</td>
<td>79.32</td>
<td></td>
<td></td>
<td>561.23</td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement

### Table X-X Irrigation Water Requirements for Grass Pasture

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR1 (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>2.66</td>
<td>30</td>
<td>79.80</td>
<td>25.4</td>
<td>0.6</td>
<td>5.24</td>
<td>5.24</td>
<td>27150</td>
<td>214.8</td>
<td>30.54</td>
</tr>
<tr>
<td>May</td>
<td>3.71</td>
<td>31</td>
<td>115.01</td>
<td>25.4</td>
<td>0.6</td>
<td>7.55</td>
<td>7.55</td>
<td>27150</td>
<td>214.8</td>
<td>44.01</td>
</tr>
<tr>
<td>June</td>
<td>4.49</td>
<td>30</td>
<td>134.70</td>
<td>25.4</td>
<td>0.6</td>
<td>8.84</td>
<td>8.84</td>
<td>27150</td>
<td>214.8</td>
<td>51.55</td>
</tr>
<tr>
<td>July</td>
<td>5.48</td>
<td>31</td>
<td>169.88</td>
<td>25.4</td>
<td>0.6</td>
<td>11.15</td>
<td>11.15</td>
<td>27150</td>
<td>214.8</td>
<td>65.01</td>
</tr>
<tr>
<td>August</td>
<td>4.6</td>
<td>31</td>
<td>142.60</td>
<td>25.4</td>
<td>0.6</td>
<td>9.36</td>
<td>9.36</td>
<td>27150</td>
<td>214.8</td>
<td>54.57</td>
</tr>
<tr>
<td>Sept</td>
<td>2.73</td>
<td>30</td>
<td>81.90</td>
<td>25.4</td>
<td>0.6</td>
<td>5.37</td>
<td>5.37</td>
<td>27150</td>
<td>214.8</td>
<td>31.34</td>
</tr>
<tr>
<td>Oct</td>
<td>1.03</td>
<td>31</td>
<td>31.93</td>
<td>25.4</td>
<td>0.6</td>
<td>2.10</td>
<td>2.10</td>
<td>27150</td>
<td>214.8</td>
<td>12.22</td>
</tr>
<tr>
<td>Total</td>
<td>24.70</td>
<td></td>
<td>755.82</td>
<td></td>
<td></td>
<td>49.59</td>
<td>49.59</td>
<td></td>
<td></td>
<td>289.23</td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement

### Table X-X Irrigation Water Requirements for Winter Grain Wheat

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR1 (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>2.34</td>
<td>30</td>
<td>70.20</td>
<td>25.4</td>
<td>0.85</td>
<td>3.25</td>
<td>3.25</td>
<td>27150</td>
<td>193</td>
<td>17.04</td>
</tr>
<tr>
<td>May</td>
<td>4.43</td>
<td>31</td>
<td>137.33</td>
<td>25.4</td>
<td>0.85</td>
<td>6.36</td>
<td>6.36</td>
<td>27150</td>
<td>193</td>
<td>33.33</td>
</tr>
<tr>
<td>June</td>
<td>6.27</td>
<td>30</td>
<td>188.10</td>
<td>25.4</td>
<td>0.85</td>
<td>8.71</td>
<td>8.71</td>
<td>27150</td>
<td>193</td>
<td>45.65</td>
</tr>
<tr>
<td>July</td>
<td>3.16</td>
<td>31</td>
<td>97.96</td>
<td>25.4</td>
<td>0.85</td>
<td>4.54</td>
<td>4.54</td>
<td>27150</td>
<td>193</td>
<td>23.78</td>
</tr>
<tr>
<td>August</td>
<td>0.27</td>
<td>31</td>
<td>8.37</td>
<td>25.4</td>
<td>0.85</td>
<td>0.39</td>
<td>0.39</td>
<td>27150</td>
<td>193</td>
<td>2.03</td>
</tr>
<tr>
<td>Sept</td>
<td>-0.24</td>
<td>30</td>
<td>-7.20</td>
<td>25.4</td>
<td>0.85</td>
<td>-0.33</td>
<td>-0.33</td>
<td>27150</td>
<td>193</td>
<td>-1.75</td>
</tr>
<tr>
<td>Oct</td>
<td>-0.28</td>
<td>31</td>
<td>-8.68</td>
<td>25.4</td>
<td>0.85</td>
<td>-0.40</td>
<td>-0.40</td>
<td>27150</td>
<td>193</td>
<td>-2.11</td>
</tr>
<tr>
<td>Total</td>
<td>15.95</td>
<td></td>
<td>486.08</td>
<td></td>
<td></td>
<td>22.51</td>
<td>22.51</td>
<td></td>
<td></td>
<td>117.97</td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement
### Table E-7 Irrigation Water Requirements for Snap and Dry Beans (seed)

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR&lt;sup&gt;1&lt;/sup&gt; (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>0.05</td>
<td>30</td>
<td>1.50</td>
<td>25.4</td>
<td>0.85</td>
<td>0.07</td>
<td>0.07</td>
<td>27150</td>
<td>102.1</td>
<td>0.19</td>
</tr>
<tr>
<td>May</td>
<td>0.02</td>
<td>31</td>
<td>0.62</td>
<td>25.4</td>
<td>0.85</td>
<td>0.03</td>
<td>0.03</td>
<td>27150</td>
<td>102.1</td>
<td>0.08</td>
</tr>
<tr>
<td>June</td>
<td>0.96</td>
<td>30</td>
<td>28.80</td>
<td>25.4</td>
<td>0.85</td>
<td>1.33</td>
<td>1.33</td>
<td>27150</td>
<td>102.1</td>
<td>3.70</td>
</tr>
<tr>
<td>July</td>
<td>5.12</td>
<td>31</td>
<td>158.72</td>
<td>25.4</td>
<td>0.85</td>
<td>7.35</td>
<td>7.35</td>
<td>27150</td>
<td>102.1</td>
<td>20.38</td>
</tr>
<tr>
<td>August</td>
<td>5.63</td>
<td>31</td>
<td>174.53</td>
<td>25.4</td>
<td>0.85</td>
<td>8.08</td>
<td>8.08</td>
<td>27150</td>
<td>102.1</td>
<td>22.41</td>
</tr>
<tr>
<td>Sept</td>
<td>1.86</td>
<td>30</td>
<td>55.80</td>
<td>25.4</td>
<td>0.85</td>
<td>2.58</td>
<td>2.58</td>
<td>27150</td>
<td>102.1</td>
<td>7.16</td>
</tr>
<tr>
<td>Total</td>
<td>13.44</td>
<td>413.77</td>
<td>19.16</td>
<td>19.16</td>
<td>19.16</td>
<td>53.13</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement

### Table E-8 Irrigation Water Requirements for Peas (seed)

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR&lt;sup&gt;1&lt;/sup&gt; (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>1.95</td>
<td>30</td>
<td>58.50</td>
<td>25.4</td>
<td>0.85</td>
<td>2.71</td>
<td>2.71</td>
<td>27150</td>
<td>91.4</td>
<td>6.72</td>
</tr>
<tr>
<td>May</td>
<td>3.68</td>
<td>31</td>
<td>114.08</td>
<td>25.4</td>
<td>0.85</td>
<td>5.28</td>
<td>5.28</td>
<td>27150</td>
<td>91.4</td>
<td>13.11</td>
</tr>
<tr>
<td>June</td>
<td>5.49</td>
<td>30</td>
<td>164.70</td>
<td>25.4</td>
<td>0.85</td>
<td>7.63</td>
<td>7.63</td>
<td>27150</td>
<td>91.4</td>
<td>18.93</td>
</tr>
<tr>
<td>July</td>
<td>6.53</td>
<td>31</td>
<td>202.43</td>
<td>25.4</td>
<td>0.85</td>
<td>9.38</td>
<td>9.38</td>
<td>27150</td>
<td>91.4</td>
<td>23.27</td>
</tr>
<tr>
<td>August</td>
<td>4.88</td>
<td>31</td>
<td>151.28</td>
<td>25.4</td>
<td>0.85</td>
<td>7.01</td>
<td>7.01</td>
<td>27150</td>
<td>91.4</td>
<td>17.39</td>
</tr>
<tr>
<td>Sept</td>
<td>1.56</td>
<td>30</td>
<td>46.80</td>
<td>25.4</td>
<td>0.85</td>
<td>2.17</td>
<td>2.17</td>
<td>27150</td>
<td>91.4</td>
<td>5.38</td>
</tr>
<tr>
<td>Oct</td>
<td>-0.32</td>
<td>31</td>
<td>-9.92</td>
<td>25.4</td>
<td>0.85</td>
<td>-0.46</td>
<td>-0.46</td>
<td>27150</td>
<td>91.4</td>
<td>-1.14</td>
</tr>
<tr>
<td>Total</td>
<td>23.77</td>
<td>727.87</td>
<td>33.71</td>
<td>33.71</td>
<td>33.71</td>
<td>83.66</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement

### Table E-9 Irrigation Water Requirements for Corn (field, moderate season length)

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR&lt;sup&gt;1&lt;/sup&gt; (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>0.00</td>
<td>30</td>
<td>0.00</td>
<td>25.4</td>
<td>0.85</td>
<td>0.00</td>
<td>0.00</td>
<td>27150</td>
<td>81.8</td>
<td>0.00</td>
</tr>
<tr>
<td>May</td>
<td>0.14</td>
<td>31</td>
<td>4.34</td>
<td>25.4</td>
<td>0.85</td>
<td>0.20</td>
<td>0.20</td>
<td>27150</td>
<td>81.8</td>
<td>0.45</td>
</tr>
<tr>
<td>June</td>
<td>1.58</td>
<td>30</td>
<td>47.40</td>
<td>25.4</td>
<td>0.85</td>
<td>2.20</td>
<td>2.20</td>
<td>27150</td>
<td>81.8</td>
<td>4.88</td>
</tr>
<tr>
<td>July</td>
<td>5.7</td>
<td>31</td>
<td>176.70</td>
<td>25.4</td>
<td>0.85</td>
<td>8.18</td>
<td>8.18</td>
<td>27150</td>
<td>81.8</td>
<td>18.18</td>
</tr>
<tr>
<td>August</td>
<td>6.39</td>
<td>31</td>
<td>198.09</td>
<td>25.4</td>
<td>0.85</td>
<td>9.18</td>
<td>9.18</td>
<td>27150</td>
<td>81.8</td>
<td>20.38</td>
</tr>
<tr>
<td>Sept</td>
<td>4.12</td>
<td>30</td>
<td>123.60</td>
<td>25.4</td>
<td>0.85</td>
<td>5.72</td>
<td>5.72</td>
<td>27150</td>
<td>81.8</td>
<td>12.71</td>
</tr>
<tr>
<td>Oct</td>
<td>1.8</td>
<td>31</td>
<td>55.80</td>
<td>25.4</td>
<td>0.85</td>
<td>2.58</td>
<td>2.58</td>
<td>27150</td>
<td>81.8</td>
<td>5.74</td>
</tr>
<tr>
<td>Total</td>
<td>19.73</td>
<td>605.93</td>
<td>28.07</td>
<td>28.07</td>
<td>28.07</td>
<td>62.33</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement
### Table E-10 Irrigation Water Requirements for Sugar Beets

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR¹ (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>0.1</td>
<td>30</td>
<td>3.00</td>
<td>25.4</td>
<td>0.85</td>
<td>0.14</td>
<td>0.14</td>
<td>27150</td>
<td>64</td>
<td>0.24</td>
</tr>
<tr>
<td>May</td>
<td>0.51</td>
<td>31</td>
<td>15.81</td>
<td>25.4</td>
<td>0.85</td>
<td>0.73</td>
<td>0.73</td>
<td>27150</td>
<td>64</td>
<td>1.27</td>
</tr>
<tr>
<td>June</td>
<td>3.41</td>
<td>30</td>
<td>102.30</td>
<td>25.4</td>
<td>0.85</td>
<td>4.74</td>
<td>4.74</td>
<td>27150</td>
<td>64</td>
<td>8.23</td>
</tr>
<tr>
<td>July</td>
<td>7.47</td>
<td>31</td>
<td>231.57</td>
<td>25.4</td>
<td>0.85</td>
<td>10.73</td>
<td>10.73</td>
<td>27150</td>
<td>64</td>
<td>18.64</td>
</tr>
<tr>
<td>August</td>
<td>6.78</td>
<td>31</td>
<td>210.18</td>
<td>25.4</td>
<td>0.85</td>
<td>9.74</td>
<td>9.74</td>
<td>27150</td>
<td>64</td>
<td>16.92</td>
</tr>
<tr>
<td>Sept</td>
<td>4.26</td>
<td>30</td>
<td>127.80</td>
<td>25.4</td>
<td>0.85</td>
<td>5.92</td>
<td>5.92</td>
<td>27150</td>
<td>64</td>
<td>10.29</td>
</tr>
<tr>
<td>Oct</td>
<td>1.9</td>
<td>31</td>
<td>58.90</td>
<td>25.4</td>
<td>0.85</td>
<td>2.73</td>
<td>2.73</td>
<td>27150</td>
<td>64</td>
<td>4.74</td>
</tr>
<tr>
<td>Total</td>
<td>24.43</td>
<td></td>
<td>749.56</td>
<td></td>
<td></td>
<td>34.72</td>
<td>34.72</td>
<td></td>
<td></td>
<td>60.33</td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement

### Table E-11 Irrigation Water Requirements for Grass Hay

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR¹ (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>1.68</td>
<td>30</td>
<td>50.40</td>
<td>25.4</td>
<td>0.85</td>
<td>2.33</td>
<td>2.33</td>
<td>27150</td>
<td>41.6</td>
<td>2.64</td>
</tr>
<tr>
<td>May</td>
<td>3.61</td>
<td>31</td>
<td>111.91</td>
<td>25.4</td>
<td>0.85</td>
<td>5.18</td>
<td>5.18</td>
<td>27150</td>
<td>41.6</td>
<td>5.85</td>
</tr>
<tr>
<td>June</td>
<td>5.94</td>
<td>30</td>
<td>178.20</td>
<td>25.4</td>
<td>0.85</td>
<td>8.25</td>
<td>8.25</td>
<td>27150</td>
<td>41.6</td>
<td>9.32</td>
</tr>
<tr>
<td>July</td>
<td>6.06</td>
<td>31</td>
<td>187.86</td>
<td>25.4</td>
<td>0.85</td>
<td>8.70</td>
<td>8.70</td>
<td>27150</td>
<td>41.6</td>
<td>9.83</td>
</tr>
<tr>
<td>August</td>
<td>5.25</td>
<td>31</td>
<td>162.75</td>
<td>25.4</td>
<td>0.85</td>
<td>7.54</td>
<td>7.54</td>
<td>27150</td>
<td>41.6</td>
<td>8.51</td>
</tr>
<tr>
<td>Sept</td>
<td>3.37</td>
<td>30</td>
<td>101.10</td>
<td>25.4</td>
<td>0.85</td>
<td>4.68</td>
<td>4.68</td>
<td>27150</td>
<td>41.6</td>
<td>5.29</td>
</tr>
<tr>
<td>Oct</td>
<td>1.57</td>
<td>31</td>
<td>48.67</td>
<td>25.4</td>
<td>0.85</td>
<td>2.25</td>
<td>2.25</td>
<td>27150</td>
<td>41.6</td>
<td>2.55</td>
</tr>
<tr>
<td>Total</td>
<td>27.48</td>
<td></td>
<td>840.89</td>
<td></td>
<td></td>
<td>38.95</td>
<td>38.95</td>
<td></td>
<td></td>
<td>43.99</td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement

### Table E-12 Irrigation Water Requirements for Vegetables

<table>
<thead>
<tr>
<th>Month</th>
<th>mm / day</th>
<th>days / month</th>
<th>mm / month</th>
<th>mm / in</th>
<th>Irrigation Efficiency</th>
<th>IWR¹ (Inches)</th>
<th>ac-in / ac</th>
<th>gal / ac-in</th>
<th>Acres</th>
<th>MGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>0.06</td>
<td>30</td>
<td>1.80</td>
<td>25.4</td>
<td>0.85</td>
<td>0.08</td>
<td>0.08</td>
<td>27150</td>
<td>173</td>
<td>0.39</td>
</tr>
<tr>
<td>May</td>
<td>0.48</td>
<td>31</td>
<td>14.88</td>
<td>25.4</td>
<td>0.85</td>
<td>0.69</td>
<td>0.69</td>
<td>27150</td>
<td>173</td>
<td>3.24</td>
</tr>
<tr>
<td>June</td>
<td>3.96</td>
<td>30</td>
<td>118.80</td>
<td>25.4</td>
<td>0.85</td>
<td>5.50</td>
<td>5.50</td>
<td>27150</td>
<td>173</td>
<td>25.85</td>
</tr>
<tr>
<td>July</td>
<td>6.61</td>
<td>31</td>
<td>204.91</td>
<td>25.4</td>
<td>0.85</td>
<td>9.49</td>
<td>9.49</td>
<td>27150</td>
<td>173</td>
<td>44.58</td>
</tr>
<tr>
<td>August</td>
<td>5.84</td>
<td>31</td>
<td>181.04</td>
<td>25.4</td>
<td>0.85</td>
<td>8.39</td>
<td>8.39</td>
<td>27150</td>
<td>173</td>
<td>39.39</td>
</tr>
<tr>
<td>Sept</td>
<td>3.5</td>
<td>30</td>
<td>105.00</td>
<td>25.4</td>
<td>0.85</td>
<td>4.86</td>
<td>4.86</td>
<td>27150</td>
<td>173</td>
<td>22.84</td>
</tr>
<tr>
<td>Oct</td>
<td>0.75</td>
<td>31</td>
<td>23.25</td>
<td>25.4</td>
<td>0.85</td>
<td>1.08</td>
<td>1.08</td>
<td>27150</td>
<td>173</td>
<td>5.06</td>
</tr>
<tr>
<td>Total</td>
<td>21.20</td>
<td></td>
<td>649.68</td>
<td></td>
<td></td>
<td>30.09</td>
<td>30.09</td>
<td></td>
<td></td>
<td>141.34</td>
</tr>
</tbody>
</table>

1. Irrigation Water Requirement
Nampa’s Recycled Water Program
Recycled Water Program Benefits

- Right water for the right use
- Maximize the value of Nampa’s limit water resources
  - Augment irrigation water supplies
  - Increase drought resiliency
  - Water resource for industrial uses
- Cost effective approach to meeting regulatory requirements for phosphorus and temperature in Indian Creek
• Reuse permit for discharge to Phyllis Canal
  – Partnership with Pioneer Irrigation District

• Three primary requests of IDEQ as part of the reuse permit application
  1. No limit for temperature
  2. Total phosphorus limit of 0.35 mg/L (same as winter NPDES permit limit)
  3. Total nitrogen limit of 30 mg/L
Recycled Water Pipeline Routing

Locations are approximate and require further investigation.

Proposed Pump Station

WWTP

Figure 2. Proposed Recycled Water Discharge Sites and Pipeline Routes
Municipal Irrigation Pumps Stations and Wells
Recycled Water Program

Next Steps

March 2019 - Submit Permit Application to IDEQ
April thru July 2019 - Public Education by the City
July 2019 - IDEQ Final Decision to Draft a Permit
August 2019 - Public Comment Period
September 2019 - Issuance of Permit
Authorize Amendment to Nampa Municipal Airport Taxilane Pavement Construction Agreement with Mad River, LLC for Taxilane C-4 Extension
(Reviewed and Approved by Legal Counsel)

- On June 16, 2018, City Council approved the attached Nampa Municipal Airport Taxilane Pavement Construction Agreement (Agreement) with Mad River, LLC for the extension of Taxilane C-4 (see Agreement, Attachment A) (see Vicinity Map, Attachment B)

- The Agreement required Mad River, LLC to install the Taxilane C-4 extension as part of their hangar construction

- In November 2018, the City received preliminary approval for a Federal Aviation Administration (FAA) grant to install multiple taxilanes and a taxiway at the Nampa Municipal Airport. The grant includes funding for the Taxilane C-4 extension

- To relieve Mad River’s obligation of installing the taxilane improvements under the original Agreement, staff requested the City’s legal counsel to draft an amendment to the Agreement which stipulates:
  - The City will install the Taxilane C-4 extension with FAA funding
  - Mad River extend the 8” sewer mainline services approximately 135 feet to the eastern edge of Taxilane C-4. This work was completed by Mad River at an expense of $15,225.00. Originally, this portion of sewer extension was to be completed by the east adjacent lease holder who withdrew his application. The City would have been responsible for this sewer extension and credits this work to Mad River to be used as their compensation for amending the Agreement
  - Mad River is relieved of the requirement to design and construct Taxilane C-4 improvements set forth in Section “2” of the Agreement, in favor of extending the sewer 135’ (as stated above) and a one-time payment from Contractor to City in the amount of One Dollar ($1.00)

- The February 11, 2019, and March 11, 2019, Nampa Airport Commission meetings were cancelled due to lack of quorum. Staff requests Council authorization of the Amendment to Nampa Municipal Airport Taxilane Pavement Construction Agreement (see Amendment, Attachment C) under extension of rules

REQUEST: Authorize Mayor to sign Amendment to Nampa Municipal Airport Taxilane Pavement Construction Agreement with Mad River, LLC relieving Mad River’s obligation of installing the Taxilane C-4 extension improvement.
NAMPA MUNICIPAL AIRPORT
TAXILANE PAVEMENT CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into by and between the CITY OF NAMPA, IDAHO, an Idaho municipal corporation of 411 3rd Street South, Nampa, Idaho 83651 ("City") and [Name], of [Address], a tenant of the Nampa Municipal Airport who intends to construct taxilane pavement in the location described more particularly hereinbelow and according to the specifications set forth herein ("Contractor").

WHEREAS, Contractor has entered into one or more tenant agreements with City for the lease of property at the Nampa Municipal Airport ("Airport"), upon which Contractor intends to build one or more airport hangars;

WHEREAS, Contractor cannot build or utilize hangars on the leased property at the Airport until paved taxilanes have been constructed in the vicinity of said hangars in accordance with all applicable local, state and federal laws and regulations;

WHEREAS, in order to expedite the timeframe in which Contractor may build the hangars in question, Contractor desires to bear the costs and expenses associated with the full construction and paving of said taxilanes and agrees to do so in accordance with all applicable local, state and federal laws and regulations;

WHEREAS, so long as it is allowed to inspect and verify that said taxilanes are, in fact, constructed in accordance with all applicable local, state and federal laws and regulations, or receive adequate assurance of the same, City desires to allow Contractor to construct said taxilanes at the Airport.

NOW, THEREFORE, in consideration of the covenants, representations and warranties herein contained and the Recitals set forth above, which are a material part of this Agreement, and for other good and valuable consideration, the parties agree as follows:

1. Contract Documents; Merger: This contract and attached exhibits, including the full content of any and all local, state, or federal laws, regulations or requirements referenced herein or applicable hereto, whether or not attached, constitute the entire agreement between the parties. No waiver, consent, or modification or change of terms of this contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this contract. By signature of its authorized representative, it is hereby acknowledged that Contractor has read this contract, understands it, and agrees to be bound by its terms and conditions.
2. Scope; Time for Performance: Contractor shall construct taxilane(s) in the location(s) and to the standards indicated in submitted and approved plans, which plans are incorporated herein by this reference. All work performed in the accomplishment of said construction shall be completed in accordance with the requirements contained in “FAA Advisory Circular 150/5370-10G,” the contents of which are incorporated herein by this reference. All earthwork, grading, subbases and base courses, paving and drainage structures must meet all requirements and be constructed in accordance with said Advisory Circular. If any portion of said improvements are constructed of concrete, Contractor’s submitted drawings must include joint details, slab layout patterns, and sizes, as well as typical sections, which details and drawings must be approved by City prior to commencement of construction. Contractor must commence and complete construction within one hundred twenty (120) days of mutual execution of this agreement. Contractor shall be responsible to ensure that all inspections and certifications necessary to prove compliance with the Advisory Circular cited above occur and are performed by a qualified, licensed engineer, and Contractor shall provide proof thereof to the City Engineer as each inspection or each certification is performed.

3. Costs; Project Not Eligible for Federal Grants: Contractor understands that it is responsible to bear the total costs of construction of the improvements described herein. The parties understand that the work being performed pursuant to this Agreement by Contractor is not expected to be eligible for federal grant funding or reimbursement.

4. Performance and Payment Bonds: Contractor shall, within five days after execution of the contract and prior to doing any work under the contract, furnish bonds to the City in a form and with a surety satisfactory to City equal to 100% of estimated costs, as determined by Contractor’s architect and approved by the City Engineer, conditioned upon the faithful payment and performance of this contract upon the payment of the Contractor.

5. Indemnification: Contractor agrees to defend, indemnify and save City, its officers, employees and agents harmless from any and all losses, claims, actions, costs, expenses, judgments, subrogations, or other damages resulting from injury to any person (including injury resulting in death,) or damage (including loss or destruction) to property, of whatsoever nature arising out of or incident to the performance of this contract by Contractor (including but not limited to, Contractor’s employees, agents, and others designated by Contractor to perform work or services attendant to this contract). Contractor shall not be held responsible for any losses, expenses, claims, subrogations, actions, costs, judgments, or other damages, directly, solely, and approximately caused by the negligence of City or its employees, agents, or representatives.

6. Insurance: Contractor shall, at its own expense, at all times during the term of this agreement, maintain in force:

6.1. General Liability. A comprehensive general liability policy including coverage for contractual liability for obligations assumed under this Contract, blanket contractual liability, products and completed operations, owner’s and contractor’s protective insurance and comprehensive automobile liability including owned and nonowned automobiles. The liability
under each policy shall be a minimum of $1,000,000 per occurrence (combined single limit for bodily injury and property damage claims) or $1,000,000 per occurrence for bodily injury and $100,000 per occurrence for property damage. Said policy shall provide coverage for Contractor’s subcontractors, testers, and inspectors performing work relating to the project. Liability coverage shall be provided on an “occurrence” not “claims” basis.

6.2. Worker’s Compensation. Contractor shall provide Worker’s Compensation Insurance coverage for all if its employees involved in the performance of the work described in this Agreement.

6.3. Automobile Liability. Automobile liability insurance with a combined single limit, or the equivalent, of not less than $1,000,000 for each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable. The City of Nampa, its officers, employees and agents shall be named as additional insureds on each required insurance policy. Contractor shall submit certificates of insurance acceptable to the City with the signed contract prior to the commencement of any work under this agreement. These certificates shall contain provision that coverage afforded under the policies can not be canceled and restrictive modifications cannot be made until at least 30 days prior written notice has been given to City. Insuring companies or entities are subject to the City’s acceptance. If requested, complete copies of insurance policies, trust agreements, etc. shall be provided to the City. Contractor shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

7. Compliance with Law:

7.1 General Law. This contract will be governed by and construed in accordance with laws of the State of Idaho. Contractor shall promptly observe and comply with all present and future laws, orders, regulations, rules and ordinances of federal, state, and of the City of Nampa, Idaho, with respect to the services to be performed hereunder.

7.2 Public Works Construction. All work performed under this Agreement must be performed in compliance with applicable federal, state and local laws and regulations governing public works construction, by a general contractor holding a valid and applicable license to perform such work.

8. Default: A default shall occur under any of the following circumstances:

8.1. If the Contractor fails to begin or complete the work under contract within the time specified or fails to perform the work with sufficient workers or equipment or with sufficient materials to insure the prompt completion of the project, or shall neglect or refuse to remove materials or perform anew such work as shall be rejected as defective or unsuitable, or shall discontinue the prosecution of the work.

8.2. If the Contractor shall become insolvent or declared bankrupt, or commit any act of bankruptcy or insolvency, or allow any final judgment to stand against the Contractor unsatisfied
for a period of forty-eight (48) hours, or shall make an assignment for the benefit of creditors.

8.3. From any other cause whatsoever, shall not carry on the work in an acceptable manner.

8.4. Contractor commits any material breach or default of any covenant, warranty, certification, or obligation it owes under the Contract;

8.5. Contractor attempts to assign rights in, or delegate duties under the Contract.

9. Remedies: In addition to the rights and remedies to which the City may be entitled by law for the enforcement of its rights under this contract, City shall have full power and authority, without violating this contract, to take prosecution of the work from the Contractor, and appropriate or use any or all of the materials and equipment on the ground that may be suitable and acceptable and may cause a contract for the completion of this contract according to its terms and provisions, or use such methods as required for the completion of the contract, in any acceptable manner. All costs and charges incurred by the City together with the costs of completing the work under the contract, shall be the responsibility of Contractor and may be deducted from the performance bond posted by Contractor pursuant to Article 4, above.

10. Termination:

10.1. Mutual consent. This contract may be terminated at any time by mutual consent of both parties.

10.2. For Cause. City may terminate this contract, in whole or in part, effective upon delivery of written notice to Contractor, or at such later date as may be established by City under any of the following conditions:

a. If federal or state regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract; or

b. If any license or certificate required by law or regulation to be held by Contractor to provide the services required by this contract for any reason denied, revoked, suspended, or not renewed.

10.3. For Default or Breach.

a. Either City or Contractor may terminate this contract in the event of a breach of the contract by the other. Prior to such termination the party seeking termination shall give to the other party written notice of the breach and intent to terminate. If the party committing the breach has not entirely cured the breach within 15 days of the date of the notice, or within such other period as the party giving notice may authorize or require, then the contract may be terminated at any time thereafter by a written notice of termination by the party giving notice.
b. Time is of the essence for Contractor’s performance of each and every obligation and
duty under this contract. City by written notice to Contractor of default or breach, may at any time
terminate the whole or any part of this contract if Contractor fails to provide services called for by
this contract within the time specified herein or in any extension thereof.

c. The rights and remedies of City provided in this subsection (10.3) are not exclusive and
are in addition to any other rights and remedies provided by law or under this contract.

10.4. Obligation/Liability of Parties: Termination or modification of this contract
pursuant to subsections 10.1, 10.2, and 10.3 above shall be without prejudice to any obligations or
liabilities or either party already accrued prior to such termination or modification. However, upon
receiving a notice of termination (regardless whether such notice is given pursuant to subsections
10.1, 10.2, and 10.3 of this section), Contractor shall immediately cease all activities under this
contract, unless expressly directed otherwise by City in notice of termination. Further, upon
termination, Contractor shall deliver to City all contract documents, information, works-in-progress and other property that are or would be deliverables had the contract been completed.

11. Assignment and Subcontracts: Contractor shall not assign this contract without the
written consent of City. Any attempted assignment without written consent of City shall be void.
Contractor shall be fully responsible for the acts or omissions of any assigns or subcontractors and
of all persons employed by them, and the approval by City of any assignment or subcontract shall
not create any contractual relation between the assignee or subcontractor and City.

12. Governing Law: This contract shall be governed and construed in accordance with the
laws of the State of Idaho.

13. Prior Approval Required: Approval of this Agreement by the Nampa City Council
is required before any work may begin under this contract.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date(s) written
below.

THE CITY OF NAMPA, IDAHO

By: [Signature]
DEBORAH BISHOP, City Clerk

Attest: [Signature]
DEBORAH BISHOP, City Clerk

By: [Signature]
MONTE HASL, Airport Superintendent

CONTRACTOR

By: [Signature]
Julie Sheilhorn, President, Nampa Downtown, Inc.
Attachment B

Taxilane C-4

Parking Lot

214d x 350w
74,900 SF
LOT 2120
RESERVED
Warhawk-
Maintenance Hangar
Event Parking

FUTURE AUTO PARKING
214d x 200w
42,600 SF
(2010 Master Plan)

ADMINISTRATION
LOT 2145

AVCENTER
LOT 2150

PARKING LOT

KACHINA -
HELIPORT
LOT 2650

PARALLEL TAXWAY

1 - 29

MUNICIPAL DRIVE

LOT 0610
Warhawk Museum

150d x 200w
LOT 2100
30,000 SF

150d x 150w
LOT 2110
22,500 SF

214d x 350w
74,900 SF
LOT 2120
RESERVED
Warhawk-
Maintenance Hangar
Event Parking

FUTURE AUTO PARKING
214d x 200w
42,600 SF
(2010 Master Plan)

ADMINISTRATION
LOT 2145

AVCENTER
LOT 2150

PARKING LOT

KACHINA -
HELIPORT
LOT 2650

PARALLEL TAXWAY

1 - 29

MUNICIPAL DRIVE

LOT 0610
Warhawk Museum

150d x 200w
LOT 2100
30,000 SF

150d x 150w
LOT 2110
22,500 SF

214d x 350w
74,900 SF
LOT 2120
RESERVED
Warhawk-
Maintenance Hangar
Event Parking

FUTURE AUTO PARKING
214d x 200w
42,600 SF
(2010 Master Plan)

ADMINISTRATION
LOT 2145

AVCENTER
LOT 2150

PARKING LOT

KACHINA -
HELIPORT
LOT 2650

PARALLEL TAXWAY

1 - 29

MUNICIPAL DRIVE

LOT 0610
Warhawk Museum

150d x 200w
LOT 2100
30,000 SF

150d x 150w
LOT 2110
22,500 SF

214d x 350w
74,900 SF
LOT 2120
RESERVED
Warhawk-
Maintenance Hangar
Event Parking

FUTURE AUTO PARKING
214d x 200w
42,600 SF
(2010 Master Plan)

ADMINISTRATION
LOT 2145

AVCENTER
LOT 2150

PARKING LOT
AMENDMENT TO NAMPA MUNICIPAL AIRPORT
TAXILANE PAVEMENT CONSTRUCTION AGREEMENT

THIS AMENDMENT to that certain NAMPA MUNICIPAL AIRPORT TAXILANE PAVEMENT
CONSTRUCTION AGREEMENT, entered into on or about July 16, 2018 (the “Original Agreement”),
is made and entered into by and between the CITY OF NAMPA, IDAHO, an Idaho municipal
corporation of 411 3rd Street South, Nampa, Idaho 83651 (“City”) and MAD RIVER, LLC, an
Idaho limited liability company of 2930 Garrity Blvd., Nampa, Idaho 83687 (“Contractor”).

WHEREAS, the parties entered into the Original Agreement pursuant to which Contractor
agreed to design and construct taxilane improvements on a portion of the Nampa Municipal
Airport and to bear all costs associated with said design and construction, in connection with and
in order to expedite Contractor’s planned construction of airport hangars in the vicinity of said
taxilane improvements;

WHEREAS, the taxilane improvements contemplated in the Original Agreement have not
been completed; and

WHEREAS, City has access to an alternate means to accomplish the installation of the
taxilane improvements contemplated by the Original Agreement, the parties desire to amend the
Original Agreement by removing the requirement to design and construct taxilane improvements
set forth in Section “2” of the Original Agreement, in favor of a one-time payment from Contractor
to City in the amount of One Dollar ($1.00).

NOW, THEREFORE, in consideration of the covenants, representations and warranties
herein contained and the Recitals set forth above, which are a material part of this Agreement, and
for other good and valuable consideration, the receipt of and sufficiency of which are hereby
acknowledged, the parties agree as follows:

1. This Amendment is an amendment to the Original Agreement, and all provisions,
duties, and obligations contained in, or resulting from, the Original Agreement remain in effect,
except to the extent that they are specifically altered by this Amendment.

2. The City agrees to relieve the Contractor of the obligations set forth in Section “2”
of the Original Agreement (i.e., to construct taxilane improvements at the Nampa Municipal
Airport) in exchange for payment by Contractor to City of the sum of ONE AND NO/100THS
DOLLARS ($1.00).
3. Contractor agrees not to interfere with the installation of the taxilane contemplated by the Original Agreement in any way.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed the day and year first above written.

CONTRACTOR: MAD RIVER, LLC

By: ________________________________
    Julie Schelhorn, Member

CITY: The City of Nampa, Idaho

By: ________________________________
    DEBBIE KLING, Mayor

Attest:

____________________________________
Deborah Bishop, City Clerk
STATE OF IDAHO  )
   ) ss.
County of Canyon  *)

On this ____ day of ____________, 2019, before me, the undersigned, a Notary Public in
and for said State of Idaho, personally appeared ______________________, known or identified
to me to be the manager or a member of the limited liability company that executed the instrument
or the person who executed the instrument on behalf of said limited liability company and
acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

________________________________________
Notary Public for Idaho
Residing at _______________________________
*SEAL*
My Commission Expires: ____________________

STATE OF IDAHO  )
   ) ss.
County of Canyon  *)

On this ____ day of ____________, 2019, before me personally appeared DEBBIE
KLING, and DEBORAH BISHOP, known and identified to me to be the Mayor and City Clerk,
respectively, of the City of Nampa, Idaho, and the persons that executed the above instrument on
behalf of the City of Nampa, Idaho, and acknowledged to me that such City of Nampa, Idaho,
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

________________________________________
Notary Public for Idaho
Residing at _______________________________
*SEAL*
My Commission Expires: ____________________
APPROVE NEW LEASE AT NAMPA MUNICIPAL AIRPORT
FOR LOT 2022
(Reviewed and Approved by Legal Counsel)

• On June 18, 2018, Mad River, LLC (Tim and Julie Schelhorn) signed a 20-year land lease for Lot 2022 (see Vicinity Map, Attachment A)

• On January 9, 2019, Airport staff received a letter from Mad River, LLC (Lessee) offering Nampa Municipal Airport first right of refusal

• The Lessee also made known they had received an offer to purchase the land lease, with improvements, from KMAN, LLC (Adam and Birgitte Sholton)

• On February 4, 2019, KMAN, LLC submitted a lease application

• On February 11, 2019, Lessee signed and returned the termination agreement
  o The termination agreement is contingent upon the sale of the land lease with improvements

• On February 15, 2019, KMAN, LLC signed and returned the land lease agreement

• The February 11, 2019, and March 11, 2019, Nampa Airport Commission meetings were cancelled due to lack of quorum. Staff requests Council authorization of the Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC (Attachment B) dated June 18, 2018, and sign new Nampa Municipal Airport Land Lease Agreement (Attachment C) with KMAN, LLC effective February 20, 2019, for Lot 2022 under extension of rules

REQUEST: Authorize Mayor to sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC dated June 18, 2018, and (2) Nampa Municipal Airport Land Lease Agreement with KMAN, LLC, effective February 20, 2019, for Lot 2022.
AGREEMENT TO WAIVE FIRST RIGHT OF REFUSAL
AND TERMINATE LEASE – LOT # 2022

THIS AGREEMENT TO WAIVE FIRST RIGHT OF REFUSAL AND TERMINATE LEASE (the “Agreement”) is made and entered into this ____ day of _______________ 2019, between the CITY OF NAMPA, IDAHO, an Idaho municipal corporation, of 411 3rd Street, Nampa, Idaho 83651 (“Lessor”), Mad River, LLC, of 2930 Garrity Blvd, Nampa, Idaho 83687 (“Lessee”).

WHEREAS, on or about June 19, 2018, Lessor and Lessee entered into a Standard Land Lease (“Lease”) for a 60’w x 50’d hangar improvement (the “improvement”) located on Lot #2022 at the Nampa Municipal Airport, more particularly described as follows:

See Exhibit “A,” attached hereto and, by this reference, incorporated herein as if set forth in full, together with rights of ingress and egress as approved by the Airport Director.

Said Lease was acknowledged by way of that certain Memorandum of Lease signed on June 18, 2018, and recorded in the office of the Canyon County Recorder on July 10, 2018, as Instrument No. 2018-029847; and

WHEREAS, the Lease contained a right of first refusal in favor of the Lessor;

WHEREAS, on January 9, 2019, Lessor received from Lessee a notice, pursuant to Lessor’s right of first refusal, in which Lessee offered to sell the improvement to Lessor for the sum of $225,000.00; and

WHEREAS, Lessor wishes to waive its right of first refusal, and both parties desire to terminate the Lease.

NOW, THEREFORE, Lessor and Lessee hereby covenant and agree as follows:

1. Lessor waives the first right of refusal to purchase the improvement granted to it under the Lease, and declines the offer to purchase said improvement pursuant to the Notice which it received from Lessee on January 9, 2019.
2. Lessor and Lessee agree to terminate the Lease effective February 20, 2019; this termination is specifically contingent upon closing of the sale of the improvement by Lessee to a third party, and that third party's execution of a new Standard Land Lease with Lessor.

3. Lessor and Lessee further agree that this document may be recorded to evidence termination of the Lease represented by the Memorandum of Lease described above.

“LESSOR”

CITY OF NAMPA

By: ________________________________
    Debbie Kling, Mayor

Attest: _____________________________
Deborah Rosin, City Clerk

By: ________________________________
Montgomery Hasl, Airport Superintendent

“LESSEE”

Mad River, LLC

By: ________________________________
Julie Schelhorn for
    Mad River, LLC
On this ___ day of _________________ in the year of 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Julie Schelhorn, both individually and as an authorized signatory of Mad River, LLC, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same both individually and on behalf of Mad River, LLC and was so authorized to do so.

(Seal)       By: __________________________________
Notary Public for Idaho
My Commission Expires: ________________

On this _____ day of ____________________, in the year of 2019, before me, the undersigned, personally appeared Debbie Kling, Deborah Rosin, and Montgomery Hasl, Mayor, City Clerk, and Airport Superintendent, respectively, of the City of Nampa, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

(Seal)       By: __________________________________
Notary Public for Idaho
My Commission Expires: ________________
LEGAL DESCRIPTION

FOR
NAMPA MUNICIPAL AIRPORT
LOT 2022

A parcel of land being a portion of the SW ¼ of the NE ¼ of Section 24, Township 3 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho and more particularly described as follows;

Beginning at an Aluminum Cap marking the East ¼ corner of Said Section 24, thence North 89°27'56" West for a distance of 2642.07 feet to an Iron Pin marking the Center ¼ corner of Said Section 24;

Thence North 31°38'01" East for a distance of 1184.81 feet to a point being the Southwest Corner of Lot 2024;

Thence North 00°00'00" West for a distance of 50.00 feet to the Southwest corner of Said Lot 2022; Said point being the TRUE POINT OF BEGINNING;

Thence continuing North 00°00'00" West for a distance of 50.00 feet to the Northwest corner of Said Lot 2022;

Thence South 90°00'00" East for a distance of 60.00 feet to the Northeast corner of Said Lot 2022;

Thence South 00°00'00" East for a distance of 50.00 feet to the Southeast corner of Said Lot 2022;

Thence North 90°00'00" West for a distance of 60.00 feet to the TRUE POINT OF BEGINNING.

Prepared by

Allen R Johnson, R.L.S.
Registered Land Surveyor
NAMPA MUNICIPAL AIRPORT
LAND LEASE AGREEMENT

STORAGE HANGAR LOT #2022
IMPROVEMENTS PURCHASED FROM MAD RIVER, LLC

LESSEE:
KMAN, LLC
ADAM AND BIRGITTE SHOLTON
5275 E HART LAKE LOOP
WASILLA, AK  99654

LESSOR:
CITY OF NAMPA
c/o AIRPORT SUPERINTENDENT
116 MUNICIPAL DRIVE
NAMPA, ID  83687

EFFECTIVE TERM:
FEBRUARY 20, 2019 – FEBRUARY 28, 2039
This lease agreement (the “Agreement”) is entered into this _______ day of ________, 2019 by and between the City of Nampa, a Municipal Corporation of the State of Idaho (“Lessor”), and KMAN, LLC (“Lessee”). The Superintendent of Public Works for the City of Nampa will designate the authorized agent to administer the provisions of this Agreement.

Whereas, Lessor now owns, controls, and operates the Nampa Municipal Airport (the “Airport”), in the City of Nampa, County of Canyon, State of Idaho; and

Whereas, Lessor has authority to enter into tenant agreements for the purpose of leasing property to accommodate public use of the Airport; and

Whereas, Lessee desires to lease a parcel of Airport property;

Therefore, in consideration of the rental payments, promises, and the mutual covenants contained in this Agreement, the parties agree as follows:

1. Term of Agreement.

The term of this lease shall commence on February 20, 2019 (the “Effective Date”), and continue for a period of twenty (20) years from the effective date of this lease, terminating on February 28, 2039.

2. Renewal Option.

The Lessee shall have the right to renew this lease for one ten (10) year extension subject to and contingent upon the Lessee giving written notice to the Lessor not sooner than one (1) year and not less than one hundred and twenty (120) days prior to the termination date of this Agreement. Additional renewals may occur upon mutual agreement of the Parties. Lessor reserves the right to re-negotiate terms and conditions of this Agreement upon any renewal according to current market conditions.


During the total period of this Agreement, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the Premises identified and shown on Exhibit A, attached hereto and incorporated herein by reference as set forth in full, together with the right of ingress and egress for Lessee’s designated personnel, and for both vehicles and aircraft.

4. Premises Use.

The development and/or use of any Premises located within the current or future boundaries of the Nampa Municipal Airport shall be consistent with the most recent Airport Master Plan and Airport Regulations. In addition, Lessee may use and occupy the leased Premises for the purpose(s) of (list all): AIRCRAFT STORAGE.

It is agreed that the only activity which Lessee may conduct on the leased premises, directly or indirectly, alone or through others, is that which is authorized under the terms of the agreement. Lessee understands and agrees that the right of ingress and egress to runways, taxiways, and aprons, now and hereinafter designed or constructed by Lessor shall be subject to all Airport Rules and Regulations,
Minimum Standards, laws, regulations, grant obligations, policies and ordinances now or hereinafter adopted, and that the use of said runways, taxiways and aprons shall be in common with others and that the same shall not be obstructed by Lessee or closed to the right of use or travel by others. Lessor shall provide Lessee with a copy of the most current version of the above cited Airport Rules and Regulations and Minimum Standards at the time of execution of this agreement. Lessor shall provide notice to Lessee prior to any amendments to said documents, the most current versions of which may be obtained from the Airport Superintendent.

Furthermore, it is understood by both parties that nonaeronautical uses and storage are not permitted at the Nampa Municipal Airport, and that if Lessee is found to be conducting a nonaeronautical use upon the leased premises, said activity shall be grounds for breach and default under this agreement. For all purposes, the term “Nonaeronautical Use” shall be construed consistently with how the term is used and defined on an ongoing basis by the FAA. To assist the parties in understanding how that term has been defined at or near the time of execution of this document, as of September 30, 2009, under Order 5190.6B, the Director of the Airport Compliance and Field Operations Division (ACO-1) has defined “Aeronautical Use” as “all activities that involve or are directly related to the operation of aircraft, including activities that make the operation of aircraft possible and safe. Services located on the airport that are directly and substantially related to the movement of passengers, baggage, mail, and cargo are considered aeronautical uses.” Order 5190.6B at § 18.3(a). Order 5190.6B then provides that “All other uses of the airport are considered nonaeronautical.” Order 5190.6B at § 18.3(c).

5. Construction and Improvements; Subsequent Modifications, Alterations and Add-ons.

During the total period of this Agreement, it is agreed and understood that the Lessee intends to construct, at Lessee’s sole expense, structures and ground improvements upon said leased Premises, which said construction shall be subject to the following conditions:

a. Construction shall be completed on each and every lot or lots leased by Lessee no later than six (6) months from the Effective Date of this agreement. Construction shall be deemed complete when the hangar or structure is eligible for or in receipt of a certificate of occupancy. If Lessee does not complete construction, except for reasons which the Lessor agrees to be beyond Lessee’s control, this lease will terminate on the six (6) month anniversary of the Effective Date. If, however, prior to the six (6) month anniversary of the Effective Date, Lessee requests in writing an extension of time in which to complete construction already commenced and substantially underway, Lessor may grant an extension of time, not to exceed one hundred twenty (120) days, in which to complete said construction. If construction is commenced but not completed during the initial six (6) month period or an extension thereof, any structure or improvements remaining on the leased premises shall be dealt with in accordance with Section 9 below.

b. The construction of all facilities, together with landscaping, fencing and parking, shall be in accordance with plans to be reviewed and approved in writing by the Lessor before construction begins. All plans, specifications and construction activities shall comply with and be subject to all applicable laws and ordinances of the City of Nampa, the State of Idaho, and of the United States, the Airport Master Plan in effect, and shall be approved by the Nampa Airport Commission and the Nampa City Council. Further, any proposed construction may also be
subject to FAA approval through the 7460 (Notice of Proposed Construction or Alteration) process.

c. Any additions or alterations to any structure located on the leased premises shall be reviewed and approved in writing by the Airport Superintendent before commencement of construction, and may require, among other things, the obtaining of a building permit from the City of Nampa and/or FAA approval through the 7460 (Notice of Proposed Construction or Alteration) process.

6. Rental Payments.

During the total period of this Agreement, Lessee covenants and agrees to pay annual rent for the Premises on the 1st day of January of each year unless otherwise agreed upon in writing by Lessor. The initial annual rental fee for the Premises shall be **26.9 cents** per square foot of the entire Premises area. If the initial calendar year of the lease is less than twelve months the Lessee will pay a pro-rata payment to cover the first partial year at the time of signing this lease. Rental payments not paid within 30 days of the agreed date(s) shall be considered delinquent and in default of this Agreement.


The rent will be automatically increased annually, effective January 1, according to the percentage increase of the Consumer Price Index – US City Average, All Items (CPI-U, Bureau of Labor Statistics) for the twelve calendar months prior to and including the most recent month for which such Index is available. The automatic annual increase shall be calculated as follows:

\[
\text{Current Year's Rent} = \text{Last Year’s Rent} \times \left(\frac{\text{Current CPI-U}}{\text{Last Year’s CPI-U}}\right)
\]

Additional periodic adjustments to the rental rate may be made in years ending with 5 or 0 (for instance, 2015 and 2020) as deemed necessary by Lessor to reflect cost of service increases, comparative rates, or other factors supporting an increase beyond the automatic annual CPI-U adjustment. Such periodic adjustments shall not be less than the automatic annual increase. Rental rates and adjustments are set by the City Council of the City of Nampa.

8. Rights and Obligations of Lessee.

a) The right of ingress and egress to such runways, taxiways, and aprons, now or hereinafter designated by Lessor is subject to all city, state, and federal rules and regulations pertaining to the use of runways, taxiways, and aprons.

b) The right of Lessee to the use of all runways, taxiways, and aprons or access roads shall be in common with others and that the same shall not be obstructed by Lessee or closed to the right of use or travel by others.

c) All use and operation on the Premises shall be in strict accordance to all applicable city rules and regulations, including but not limited to the Nampa Municipal Airport Rules and Regulations and current Master Plan. All Rules and Regulations now in existence, or as herein amended, or hereinafter promulgated and adopted, are incorporated herein and made a part hereof by reference.

   d) Lessee shall keep and maintain, and repair in reasonable conditions, all property, ground, runways, taxiways, and any and all property belonging to Lessor which may be injured by
Lessee in maintaining or operating on said Premises.
e) Outside storage on the leased area, which in the opinion of the Airport Superintendent creates unsightly or dangerous conditions, shall not be allowed.
f) Lessee shall not permit any person to use any part of the Premises for residential use.
g) Lessee shall, within thirty (30) days of receiving an invoice from Lessor, reimburse Lessor for any costs or expenses incurred in obtaining a survey or legal description of the Premises in order to comply with the requirements of FAA Form 7460-1.

9. Termination of Agreement & Option to Purchase Improvements.

(a) Upon expiration or termination, for any reason, of this Airport Tenant Agreement, or any extension thereof, Lessee shall remove its personal property, including structures or buildings, and restore the premises to a condition acceptable to Lessor. If the parties have not entered into a renewed lease or a new lease agreement, and Lessee has not removed its personal property, including structures, buildings, or portions thereof, or sold said property to another party who has executed a new lease agreement with the Lessor, within 120 days after termination or expiration of this lease Agreement, Lessor shall have the right, but not the obligation, to purchase some or all of the personal property remaining on the leased premises, including structures or buildings, for the sum of One and No/100 dollar ($1.00).

(b) Lessee, when tendered the above sum, will have no further right or interest in the above described personal property and agrees to execute any and all necessary sale documents, including but not limited to a Bill of Sale, and Lessor shall be entitled to possession and ownership of the personal property. Prior to the exercise of Lessor’s option herein provided for, Lessee shall have the right to sell and remove some or all of its personal property, including structures or buildings to a third party or parties, subject to any valid lien Lessor may have on said property or structures for unpaid rent or other amounts payable by Lessee to Lessor, and subject to Lessee’s obligation to restore the premises to a condition acceptable to Lessor. However, no purchaser of any of Lessee’s property shall have any right to continued occupancy of the leased premises without execution of a written agreement between said purchaser and Lessor.

10. First Right of Refusal.

Upon expiration or termination of this Agreement or any renewal of this Agreement, or in the event Lessee determines to sell or otherwise transfer ownership of structures and/or improvements specified in this agreement, the Lessor shall have a first right of refusal to purchase or accept transfer of such structures or improvements. Lessor may transfer this first right of refusal to a new lessee of the Premises. Lessee shall give notice to Lessor advising of any such proposed sale or transfer and its price and terms. Lessor shall have ninety (90) days from receipt of such notice to exercise its first right of refusal and complete a purchase or receive a transfer upon identical terms.

11. Termination; Default.

(a) In any of the following events which shall constitute “events of default,” Lessor shall have the right at Lessor’s election, immediately to terminate this agreement, or to terminate Lessee’s tenancy hereunder:
1. Lessee shall fail to pay rent in the amounts and at the times and in the manner provided herein, and that failure shall continue for sixty (60) or more days after written notice of it shall have been given to Lessee.

2. Lessee shall make an assignment for the benefit of creditors, or shall file a petition in bankruptcy, or shall be adjudged a bankrupt, and that adjudication be not stayed or vacated within sixty (60) days later, or the interest of Lessee under this agreement shall be levied upon and sold upon execution or shall by operation of law become vested in another person, firm or corporation because of the insolvency of Lessee; or in the event that a receiver or trustee shall be appointed for Lessee or the interest of Lessee under this agreement, and such appointment has not been vacated within sixty (60) days later.

3. Lessee shall vacate or abandon the premises, or any portion thereof, or shall permit them to remain vacant or unoccupied without first obtaining consent of Lessor.

4. Lessee shall fail to observe any other provision of this agreement after sixty (60) days written notice given by Lessor of such failure.

In the event of notification of default by Lessor to Lessee, Lessee shall pay, in addition to all arrearages as may exist under the notice of default, the reasonable attorney fees incurred by Lessor in determination of the default and notification to the defaulting Lessee.

(b) Upon the occurrence of any of the events of uncured, material default specified herein, Lessee's right to possession of the leased premises shall, at the Lessor's option, terminate and Lessee shall surrender possession immediately. In that event Lessee grants to Lessor full license to enter into the premises, or any part of them, to take possession with or without process of law, and to remove Lessee or any other person who may be occupying the premises, or any part of them, and Lessor may use that force in removing Lessee and that other person as may reasonably be necessary. And Lessor may repossess itself of the premises as of its former estate, but that entry of the premises shall not constitute a trespass or forcible entry or detainer, nor shall it cause a forfeiture of rents due, nor waiver of any agreement or promise in this lease that is to be performed by Lessee. Lessee shall make no claim of any kind against Lessor, its agents and representatives by reason of that termination or any act incident to it.

At its option, Lessor may terminate this agreement for any uncorrected default. Lessor may sue for all damages and rent accrued or accruing under this agreement or arising out of any breach of it.

If it so elects, Lessor may pursue any other remedies provided by law for the breach of this agreement or any of its terms or conditions. No right or remedy conferred here on or reserved to Lessor or Lessee is intended to be exclusive of any other right or remedy, and each right and remedy shall be in addition to any other right or remedy given, or now or later existing at law or at equity or by statute.

The acceptance of rent by Lessor, whether in a single instance or repeatedly, after it falls due, or after knowledge of any breach of this agreement by Lessee, or the giving or making of any notice or demand, whether according to any statutory provision or not, or any act or series of acts except an express waiver in writing, shall not be construed as a waiver of Lessor's right to act or of any other right.
here given Lessor, or as an election not to proceed under the provisions of this agreement.

The obligation of Lessee to pay the rent reserved here during the balance of the term of this agreement shall not be deemed to be waived, released or terminated by the service of any sixty (60) day notice, other notice to collect, demand for possession, or notice that the tenancy here created will be terminated on the date there named, the institution of any action of forcible detainer or ejectment or any judgment for possession that may be rendered in action, or any other act or acts resulting in the termination of Lessee's right to possession of the leased premises. Lessor may collect any rent due from Lessee, and payment or receipt of that rent shall not waive or affect any notice, demand or suit, or in any manner waive, affect, change, modify or alter any rights or remedies Lessor may have by virtue of this lease agreement.

Lessee hereby agrees to pay all reasonable expenses incurred by Lessor in obtaining lawful possession of the leased premises from Lessee, including reasonable attorney fees and costs, and to pay such other expenses as the Lessor may incur in putting the premises in good order and condition as herein provided, and also to pay all other necessary expenses or commissions paid by Lessor in re-leasing the premises.

12. Assignments, Transfers and Subleases.

This Agreement, in whole or any part thereof, may not be assigned or transferred by Lessee, by process of law, or in any other manner whatsoever, without prior written consent of Lessor. Lessee may not sublease all or any portion of its interest in this Agreement unless written notice of said sublease is given to Lessor, said notice providing the name and contact information for any such subtenant. No permitted assignment, transfer or sublease shall releases the Lessee of its obligations or alters the primary liability of the Lessee to pay the rent and to perform all other obligations of the Lessee as specified in this Agreement, unless otherwise agreed to in writing between the parties. Any permitted assignment or transfer, and all subleases, must comply with all terms and conditions of this Agreement.

- Lessor may, at its option, terminate this Agreement upon any assignment or transfer of any interest herein without the Lessor’s prior written consent, or for any sublease for which proper notice has not been given to Lessor. “Transfer” also includes any change in the ownership of Lessee and/or the voting stock of Lessee.
- Lessor may, at its option, terminate this agreement upon any change of the premises’ use (see paragraph 4) without the Lessor’s prior written consent.
- Lessor may, at its option, terminate this Agreement in the event Adam and Birgitte Sholton shall cease to remain responsible for the day-to-day operation of the rights and obligations of Lessee as set forth in this agreement.


The Lessor reserves the right to enter upon that portion of the leased area outside of the structures which is not covered with asphalt or concrete and perform whatever construction or maintenance is necessary to provide a concrete or asphalt surface at no cost to the Lessee. The Lessor also retains the entire leased area outside the structures as a general utility easement and any surface disturbed by the Lessor in constructing a utility shall be restored to its original condition by the Lessor. Lessee acknowledges that such work, and other related airport activities, will benefit Lessee, though it may cause temporary inconvenience to Lessee. Rent shall be abated as a result of such inconvenience, for the duration of said
inconvenience, ONLY if Lessee is unable to access Lessee’s hangar for a period longer than thirty (30) days.


The installation and maintenance of any future improvements to the Premises by Lessee shall first be agreed upon in an amendment or modification to this Agreement.

15. Hazardous Substances.

Lessee shall not engage, and shall not permit others to engage in an operation on the premises that involves the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of any “hazardous substances” without the prior written consent of Lessor, which may be withheld or granted at Lessor’s sole discretion. As used herein, the term “hazardous substance” means any hazardous or toxic substance, material, or waste which is, or becomes regulated by any federal, state, county, or local governmental agency. Lessee agrees to indemnify and hold harmless Lessor against any and all claims and losses resulting from a breach of this provision of this Agreement. This obligation to indemnify shall survive the payment of the indebtedness and the satisfaction of this Agreement.

16. COMPLIANCE WITH LAWS AND REGULATIONS.

Lessee agrees to observe and obey during the term of this lease all laws, ordinances, rules, and regulations promulgated and/or enforced by Lessor or by other proper authority having jurisdiction over the conduct of operations at the airport, and to do all things necessary to stay or become in compliance with the same. Lessee further specifically agrees to comply with all requirements of the FAA, including but not limited to, those requirements originating out of the City of Nampa’s relationship with the FAA, or which find their origin in relation to grants or other contractual arrangements between the City of Nampa and the FAA. Lessor reserves the right to amend this lease in conformance with the provisions of Section Twenty-Nine (29) hereinbelow to conform with any changes in Municipal, State or Federal laws, rules, regulations and ordinances. If at any time it is discovered that the provisions of this lease violate or are in any way inconsistent with current or later enacted Municipal, State or Federal laws, rules, regulations, ordinances, FAA policies, orders, advisory circular documents, grant obligations/assurances, or with any obligation the City of Nampa may have with respect to the FAA, Lessor shall have the right to amend this lease in conformance with the provisions of Section Twenty-Nine (29) hereinbelow as necessary to make this lease agreement consistent therewith. Lessee further agrees to execute any addendums or other requirements as may be imposed by the FAA as a condition of operating the Airport and/or receiving grant funding for Airport projects.

17. Utilities.

Lessee shall be responsible for all utilities to the Premises. Lessee shall pay for the hookup fees and all monthly fees for such utilities. Lessee is responsible for garbage collection used in or about said premises at Lessee’s own cost and expense. Lessee shall pay for any initial hookup fees and shall pay any assessment fees levied for such irrigation water.
18. Taxes and Assessments.

During the total period of this Agreement, Lessor shall pay all taxes and assessments of any kind levied against the land identified as the Premises during the term of this Lease and any extension thereof; and Lessee shall pay any personal property taxes and assessments of any kind levied against Lessee's personal property, promptly, as the same become due.

19. Fire Hazards.

The Lessee shall not do anything in the Premises or bring or keep anything therein which will increase the risk of fire, or which will conflict with the regulations of the fire department or any fire laws, or with any fire insurance policies on the buildings, or with any rules or ordinances established by the board of health, or with any municipal, state or federal laws, ordinances or regulations. Unless otherwise noted in Section 31, below, NO FUEL MAY BE STORED ON THE PREMISES.

20. Labor Contracts and Employees.

The parties hereto expressly covenant and agree that all labor contracts and employment agreements with employees shall be made directly with Lessee and that all such employees shall be deemed solely the employees of Lessee and in no way employees of Lessor. Lessee covenants and agrees to indemnify and hold harmless Lessor of and from any liability for any acts of employees of Lessee or any acts of persons working for Lessee under a labor contract.

21. Right of Inspection; Emergency.

Lessor reserves the right to enter upon the leased premises upon forty-eight (48) hours prior written notice to Lessee for the purpose of making any inspection necessary to the proper enforcement of the covenants and conditions of this agreement. Such notice shall not be necessary in the case of an emergency affecting life or property, or if Lessor suspects that Lessee has abandoned the premises.


Lessee shall not commit any waste or damage to the Premises hereby leased nor permit any waste or damage to be done thereto.

23. Liability.

Lessor shall not be liable for any injury or damage which may be sustained by any person or property of the Lessee or any other person or persons resulting from the condition of said Premises or any part thereof, or from the street or subsurface, nor shall the Lessor be liable for any defect in the building and structures on said demised Premises, latent or otherwise. Lessee shall indemnify and hold the Lessor, the employee(s) of the Lessor, and the property of the Lessor, including the Premises, free and harmless from any and all claims, liability, loss, damage, or expense resulting from Lessee occupation and use of the Premises and the structures thereon, including any claim, liability, loss, or damage arising by reason of injury to or death of any person or persons, or by reason of damage to any property caused by the condition of the Premises, the condition of any improvements or personal property in or on the Premises, or the acts or omissions of Lessor or any person in or on the Premises with the express or implied
24. Liability Insurance.

If Lessee will be acting as a Fixed Base Operator, then Lessee shall maintain a comprehensive liability insurance policy in the minimum amount of **$1,000,000 each occurrence $2,000,000 aggregate** covering the above described premises during the term of this Lease with an insurance company licensed by the Idaho Department of Insurance,” all at the sole cost and expense of Lessee, in accordance with the Airport Rules and Regulations, Airport Minimum Standards or any modifications or amendments thereto. Lessee shall provide Lessor with a binder for said insurance showing proof of insurance. Lessee understands and agrees that if the Airport Minimum Standards or Rules and Regulations, or any subsequent modifications or amendments thereto, require Lessee (due to Lessee’s particular category of Fixed Base Operator) to procure insurance in an amount exceeding the limits noted above, Lessee shall procure and maintain insurance in said greater amounts.

If Lessee will solely be occupying the leased premises for private, non-commercial aircraft storage, then Lessee shall maintain a comprehensive liability insurance policy in the minimum amount of **$500,000 each occurrence $1,000,000 aggregate** covering the above described premises during the term of this Lease with an insurance company licensed by the Idaho Department of Insurance,” all at the sole cost and expense of Lessee, in accordance with the Airport Rules and Regulations, Airport Minimum Standards or any modifications or amendments thereto. Lessee shall provide Lessor with a binder for said insurance showing proof of insurance.

25. Attorney’s Fees.

In the event an action is brought to enforce any of the terms or provisions of this Lease, or enforce forfeiture thereof for default thereof by either of the parties hereto, the successful party to such action or collection shall be entitled to recover from the losing party a reasonable attorney's fee, together with such other costs as may be authorized by law.


All notices required to be given to each of the parties hereto under the terms of this Agreement shall be given by depositing a copy of such notice in the United States mail, postage prepaid and registered or certified, return receipt requested, to the respective parties hereto at address listed immediately below, or to such other address as may be designated by writing delivered to the other party. All notices given by certified mail shall be deemed completed as of the date of mailing, except as otherwise expressly provided herein.
27. Maintenance.

Lessee shall have sole responsibility for maintenance of the leased Premises, adjacent apron, and any associated improvements and/or structures during the total period of this Agreement. Maintenance shall specifically include landscaping and required maintenance (i.e. crack sealing and resurfacing) of the asphalt/concrete area as needed, but at least once every five (5) years. Lessee shall maintain all surfaces not covered by asphalt or concrete in a weed free condition and restrict parking from said area unless the area has been excavated to the proper subgrade and backfilled with an amount of gravel as specified by the Lessor.


The following obligations are assumed by Lessee and include the following: the Lessee, for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall use the Premises not in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation. Subtitle A. Office of the Secretary, Part 2 1. Department of Transportation-Effectuation Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended; that in the event of breach of any of the preceding nondiscrimination covenants, Lessor shall have the right to terminate this Lease, to reenter and repossess said land and the facilities thereon, and hold the same as if said Lease had never been made or issued.

29. Amendments and Modification.

This Agreement may be amended and/or modified by a written instrument signed, dated, and notarized by both Lessor and Lessee. However, Lessor reserves the right to amend this lease upon giving Lessee 180 days written notice of such amendment or modification, so long as the amendment or modification is necessary to comply with FAA rules or regulations other Federal or State regulations governing the use of Airports, or to bring this lease agreement into compliance with Municipal, State or Federal laws, rules, regulations, ordinances, FAA policies, orders, advisory circular documents, grant obligations/assurances, or any obligation the City of Nampa may have with respect to the FAA. Any amendment or modification shall take place on the Anniversary Date of this lease. In the event Lessee does not agree to such amendment or modification, this lease shall terminate following the expiration of 180 days prior written notice of such changes or amendments. Any modification to this lease shall be attached to or become a part of this lease, and any such amendment or modification shall be signed and dated by both Lessor and Lessee.

30. Binding Effect.

The provisions and stipulations hereof shall inure to the benefit of and bind the heirs, executors, administrators, assigns and successors in interest of the respective parties hereto.


The use and occupancy of the land shall be subject to the following special provisions:
• Lessee shall provide a list of all based aircraft (operational and airworthy aircraft based at a facility for a majority of any 12 month period) housed on the leased premises to the Airport Superintendent’s office, and shall keep said list current at all times. The list shall include the name, address, and phone number of each aircraft’s owner(s), the aircraft make and model, and aircraft registration numbers.

• Modification Charge: In the event Lessee requests and Lessor approves, an amendment or modification of the Lease, Lessee shall, with the lease modification request form, include a $100 fee for administrative expenses related to the development, review, and approval of the Amendment.

• Joint and Several Liability: If more than one person or entity executes this Lease as Lessee, then (i) each of them is jointly and severally liable for the keeping, observing and performing of all of the terms, covenants, conditions, provisions and agreements of this Lease to be kept, observed and performed by Lessee, and (ii) the term “Lessee” as used in this Lease shall mean and include each of them jointly and severally and any act of or notice from, or notice or refund to, or signature of, any one or more of them, with respect to the tenancy of this Lease, including without limitation any renewal, extension, expiration, termination or modification of this Lease, shall be binding upon each and all of the persons executing this Lease as Lessee with the same force and effect as if each and all of them had so acted or so given or received such notice or refund or so signed.

32. Recording.

The parties hereto agree that they will not record a copy of this Agreement, Lessee's occupancy of said Premises being notice of Lessee's interest therein, provided however, that a memorandum of lease may be recorded.

33. Prohibition Against Exclusive Rights.

In accordance with the FAA Airport and Airway Improvement Act of 1982, 49 U.S.C. § 47101, et seq., 49 U.S.C. § 40103(e), and other federal law, rules, regulations and orders governing the use and operation of airports, and the Airport Improvement Program (AIP) and other grant assurances, nothing contained herein shall be construed to authorize the granting, either directly or indirectly, of an “exclusive right,” as that term is used in the above cited authority. To the extent any term or condition of this lease or any other agreement, express or implied, between the Lessee and Lessor can be considered to grant an exclusive right in violation of the above-cited authority, the parties agree that said term or condition shall be treated as null and void ab initio.

34. Conflict of Provisions of Lease.

In the event there is any conflict between the provisions of this lease and the applicable Minimum Standards and/or Airport Rules and Regulations, unless otherwise specifically noted in this lease, the applicable Minimum Standards and Rules and Regulations shall control over the terms and conditions of this lease.
In Witness Whereof

The Lessor and Lessee do execute this Lease Agreement the day and year first above written.

Lessor:

The City of Nampa

By: ________________________________

Debbie Kling, Mayor

Attest:

Deborah Rosin, City Clerk

By: ________________________________

Montgomery Hasl, Airport Superintendent

Lessee:

KMAN, LLC

By: ________________________________

Adam Sholton, Manager

By: ________________________________

Birgitte Sholton, Manager

Personal Guarantee.
Performance of the terms of this Lease Agreement by Lessee is personally guaranteed by the undersigned personal guarantor(s).

By: ________________________________

Adam Sholton

Date

By: ________________________________

Birgitte Sholton

Date
Airport Lot #2022: 60’ wide x 50’ deep = 3,000 square foot at $0.269 per square foot
= $807.00 per year (rounded).

Payment by Mad River, LLC for 2019 will be transferred. No additional payment due for 2019.
LEGAL DESCRIPTION
FOR
NAMPA MUNICIPAL AIRPORT
LOT 2022

A parcel of land being a portion of the SW ¼ of the NE ¼ of Section 24, Township 3 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho and more particularly described as follows;

Beginning at an Aluminum Cap marking the East ¼ corner of Said Section 24, thence North 89°27'56" West for a distance of 2642.07 feet to an Iron Pin marking the Center ¼ corner of Said Section 24;

Thence North 31°38'01" East for a distance of 1184.81 feet to a point being the Southwest Corner of Lot 2024,

Thence North 00°00'00" West for a distance of 50.00 feet to the Southwest corner of Said Lot 2022; Said point being the TRUE POINT OF BEGINNING;

Thence continuing North 00°00'00" West for a distance of 50.00 feet to the Northwest corner of Said Lot 2022;

Thence South 90°00'00" East for a distance of 60.00 feet to the Northeast corner of Said Lot 2022;

Thence South 00°00'00" East for a distance of 50.00 feet to the Southeast corner of Said Lot 2022;

Thence North 90°00'00" West for a distance of 60.00 feet to the TRUE POINT OF BEGINNING.

Prepared by

Allen R. Johnson, R.L.S.
Registered Land Surveyor
At the time of Publication This Item Had no Supporting Documentation
AGENDA SUBJECT: New Business Item

ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2019 APPLICATIONS & GUIDELINES.

Staff Contact: Robyn Sellers, Assistant Economic Development Director
Motion: To adopt the City of Nampa’s Community Development Block Grant Program Year 2019 Application Guidelines.

BACKGROUND INFORMATION:

1.) Program Year 2019 CDBG Application Guidelines

Staff Report: Staff is requesting City Council to adopt the application guidelines for CDBG Program Year 2019. These guidelines address the CDBG programmatic requirements. The application guidance provides information about expectations for the program to potential applicants. The guidance helps the City ensure that funds are spent in a timely manner and in compliance with HUD requirements.

There were some minor changes to the guidelines this year from last year’s application guidelines based on needed clarifications and due to reflect the 5-year consolidated plan. Minor changes were made as follows:

- Updated priorities, goals and objectives based on information obtained from the 5-year consolidated plan.
- Updated the timeline and deadline dates.
- Updated low-moderate income limits chart.
- Updated the volunteer hourly match rate of $24.69 up from $24.14.

Staff Recommendation: Approve applications guidelines as presented.
City of Nampa
Community Development Block Grant (CDBG)
Program Year 2019

APPLICATION GUIDELINES

CDBG funding is made possible by the US Department of HUD and is administered by the City of Nampa, Economic / Community Development Department.

CDBG Applications are available on-line.
http://id-nampa.civicplus.com/159/Community-Development-Block-Grant

If you need assistance, call the Economic / Community Development Department (468-5407).
A. Program Description
   ▪ National Objectives
   ▪ Eligible CDBG Activities
B. Application Submission
   ▪ Submission Guidelines
C. Application Requirements
   ▪ Eligible Applications
   ▪ City Department Specific Guidance
D. Funding Guidelines
E. Application Criteria
   ▪ Consolidated Plan Goals & Objectives
   ▪ Priority Funding levels
   ▪ Special Note for Construction Projects
F. City Maps with Low/moderate Income percentages
G. Review Process
   ▪ Threshold Requirements
H. Criteria and Scoring
I. Awarding & Sub-Recipient Criteria
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM YEAR 2019  
APPLICATION GUIDELINES

A. PROGRAM DESCRIPTION
The City of Nampa Community Development Program (CDBG) is funded by the federal Department of Housing and Urban Development. The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. The goal of the program is to provide decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low- and moderate-income persons.

National Objective
- To be considered for CDBG funding, a project must meet one of the following National Objectives:
  - BENEFIT AT LEAST 51 PERCENT LOW AND MODERATE INCOME (LMI) PERSONS (*The majority of all projects address Benefit to LMI persons*)
  - AID IN THE PREVENTION OR ELIMINATION OF SLUMS OR BLIGHT
  - URGENT NEED – (Rarely Used – this is used mostly for natural disasters)

Benefit to LMI persons
The current income guidelines for the City of Nampa are listed below. All funded applicants will be required to update any forms used to collect beneficiary information whenever new income guidelines are made available. Guidance for income guidelines can be found at the following link: https://www.huduser.gov/portal/datasets/il.html#2018 and also by going to the Community Development page on the City of Nampa’s website at https://www.cityofnampa.us/159/Community-Development-Block-Grant.

### 2019 HUD Income Guidelines for Nampa

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Extremely Low Annual (30% of Median)</th>
<th>Very Low Annual (50% of Median)</th>
<th>Low Annual (80% of Median)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$14,800</td>
<td>$24,650</td>
<td>$39,400</td>
</tr>
<tr>
<td>2</td>
<td>$16,900</td>
<td>$28,150</td>
<td>$45,000</td>
</tr>
<tr>
<td>3</td>
<td>$20,780</td>
<td>$31,650</td>
<td>$50,650</td>
</tr>
<tr>
<td>4</td>
<td>$25,100</td>
<td>$35,150</td>
<td>$56,250</td>
</tr>
<tr>
<td>5</td>
<td>$29,420</td>
<td>$3,800</td>
<td>$60,750</td>
</tr>
<tr>
<td>6</td>
<td>$33,740</td>
<td>$40,800</td>
<td>$65,250</td>
</tr>
<tr>
<td>7</td>
<td>$38,060</td>
<td>$43,600</td>
<td>$69,750</td>
</tr>
<tr>
<td>8+</td>
<td>$42,380</td>
<td>$46,400</td>
<td>$74,250</td>
</tr>
</tbody>
</table>

- LMI benefit is achieved only if the project meets one of the following criteria:
  - Area Benefit Activities (LMA)– *most projects fall within this category*
- Limited Clientele Activities (LMC)
- Housing Activities (LMH)
- Job Creation or Retention Activities (LMJ)

1. **Area Benefit** - It must be carried out in a benefit area consisting of at least 51 percent low-and-moderate-income individuals and must serve all individuals in the area regardless of income. Projects that meet this guideline include public infrastructure projects like water system improvements, parks, pedestrian ramp improvement, and community centers. The area need not be consistent with census tracts but must be the entire area served by the activity. There are two ways to document area benefit, census and survey.

   a. If the project area matches or lies within the boundaries of a Census Tract in its entirety, the Department of Housing and Urban Development and the City of Nampa have calculated the low-and-moderate-income for these areas using the census. This information is provided in map form in the Application Guidance.

   b. If the project area does not match the boundaries of a Census Tract in its entirety or if the project area has undergone extensive redevelopment since the last census (i.e. a new subdivision), an income survey following specific procedures must be conducted. This process takes extensive time to complete and should be pursued as early as possible. Please contact the City of Nampa if you need to conduct a survey.

2. **Limited Clientele** - It must involve limited clientele activities which targets a specific group of people, such as senior citizens, domestic violence victims, or homeless persons. The project must meet at least one of the following criteria:

   a. Benefit a clientele group generally assumed to be comprised of low-and-moderate-income persons. The Department of Housing and Urban Development recognizes the following groups under this category: elderly persons, homeless persons, persons with disabilities, persons with AIDS, migrant farm workers, abused children, battered spouses and illiterate persons.

   b. Have income eligibility requirements that limit activities exclusively to low and-moderate-income persons.

3. **Housing Activities** - It must expand or improve permanent residential structures that will be occupied by low-and-moderate-income households. Housing Activities funded under these projects generally include acquisition or rehabilitation of property, conversion of nonresidential structures or new housing structures. Housing created by these projects may be either single or multi-unit complexes, but if the structure contains more than two living units, at least 51 percent of all units must be occupied by low-and-moderate-income households.

   a. If two or more rental buildings assisted are located on the same or bordering properties and under the same ownership and management, then the buildings should be treated as a single structure and follow the guidelines stated above.
b. All rental housing projects must ensure that all low-and-moderate-income occupants pay affordable rents subject to HUD Fair Market Rent requirements.

4. **Job Creation or Retention** - It must create employment opportunities through investment in new or existing businesses located in Nampa locations. The jobs created must be permanent full-time equivalents (at least 1750 hours per year), where at least 51 percent of which are filled with Nampa residents defined as low to moderate income (LMI) prior to employment (defined as earning 80% of area median income).
   a. Please note that Job Creation projects have a separate application. Please visit the City website for more information.

**Slum and Blight and Urgent Need**
- If you believe your project meets one of the following National Objectives, please contact City Staff prior to completing the application.
  - Slum and Blight projects are a special type of project that occurs mostly within the Central Nampa Downtown Districts. These projects are to address deterioration and health & safety concerns.
  - Urgent Need projects are the rarest of project types. This National Objective is only used in special circumstances and usually coincides with a Natural Disaster Declaration.

**Eligible CDBG Activities:**
According to federal CDBG regulations outlined in 24 CFR 570, the basic eligible activities include a variety of uses including homeownership activities, rental housing activities, public facilities, and public services. The following is a list of some of the types of uses that may be funded with CDBG dollars.

**Basic Eligible Activities**
- Acquisition of real property by purchase, long-term lease, or donation
- Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of buildings for eligible purposes
- Clearance, demolition, and removal of buildings and improvements
- Provision of public services, including but not limited to those concerned with drug abuse, crime prevention, drug abuse, education, ESL courses, energy conservation and recreational needs
- Repairs to sidewalks, parks, playgrounds, publicly owned utilities and public buildings benefiting low- or moderate-income households.
- Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, non-profit organizations, and farm operations
- Housing services, including housing counseling, loan processing, and inspections to low- or moderate-income households
- Direct homeownership assistance to low- or moderate-income households
- Infrastructure improvements for the benefit of a business that will create new permanent jobs** Please note there is a separate application for Job Creation Projects. Please visit the City website for more information.
Rehabilitation and Preservation

- Rehabilitation of:
  - Privately owned buildings
  - Low-income public housing
  - Publicly or commercially owned industrial buildings
  - Non-profit owned non-residential buildings
  - Manufactured housing

- Historic preservation, including rehabilitation, preservation or restoration of publicly and privately-owned historic properties.

Activities by Community-Based Development Organizations (CBDOs)

- CDBG funds may be provided as grants or loans to any CBDO qualified to carry out neighborhood revitalization, community economic development, or energy conservation projects. CBDOs qualifying under HUD criteria are organizations organized under state or local laws to engage in community development activities in specific geographic areas within communities. Neighborhood Revitalization Strategy Areas meet the specific geographic area requirement. North Central Nampa Target Area is designated as one of these specific geographic areas. The complete list of HUD criteria for qualifying as a CBDO can be found at 24 CFR 570.204.

Ineligible CDBG Activities:

- Acquisition, construction, or reconstruction of buildings for the general conduct of government or General government expenses – i.e. City Hall, Public Safety Building
- Political activities
- Paying existing debt
- Purchase of construction equipment, fire protection equipment, furnishings and personal properties
- Operating and maintenance expenses
- Income payments
- Construction of new housing
B. APPLICATION SUBMISSION:

- All applications can be submitted in person or by mail at 912th Ave South Nampa, Id 83651 or by email at community@cityofnampa.us. Applications should be turned in on or before the deadline and should include all required supporting documentation. Upon City Council approval of the guidelines, application submission will begin on March 19, 2019.

- To be considered complete all questions on the application must be answered. If the question does not apply to the project you are applying for, type “NA” followed by a short statement explaining why it does not apply. All documents marked as ‘required’ must be included in your application submission. If for some reason you feel like a required document does not fit your project or organization structure you will need to provide a document stating why you are not providing what was requested. Best practice would be to contact our Community Development Department at 208-468-5407 for clarification on any part of the application.
  - For City projects, upload page stating, “The project is a City project and exempt per guidelines.”

- Applications for all projects must contain the following uploaded documents:
  1. Board Resolution or City Department Certification
  2. Project Implementation Schedule
  3. Client Intake Form/Application or method to be used to document beneficiaries (e.g. Census data, Utility user list, etc.)
  4. Map(s) showing area of service
  5. Organizational Chart showing employees involved in the project and relationship
  6. Board of Directors Member Form – City Departments Exempt only if no commission or committee other than City Council will be involved with recommending or approving the project
  7. Last Audit – City Departments Exempt
  8. Organization budget – City Departments Exempt
  9. 501 (c) 3 certification or public agency documentation – City Departments Exempt
  10. Copy of EEO policy – City Departments Exempt
  11. Proof of liability coverage – City Departments Exempt
  12. Proof of fidelity bond coverage for principals – City Departments Exempt
  13. Construction Forms – only if CDBG is paying for Construction
  14. Acquisition Forms – only if CDBG is paying for Acquisition

- Complete a separate application for each project requesting funds from a single organization.
  - Assign each proposed project a priority within the Project Title (for example: ABC Project Priority #1 = first priority, XYZ Project Priority #2 = second priority, etc.)
  - To ensure submission of multiple applications you must first start the first application but DO NOT submit, just create the first application. Go back to MY ACCOUNT, there is a tab up top that says, "AVAILABLE PROGRAMS", click on that, you will see the application. Next to the application will be a button that says, "APPLY AGAIN". Click that and proceed with an additional application for program funds.
- CDBG FUNDS MAY NOT BE OBLIGATED UNTIL THE CONTRACT/AGREEMENT IS ACCEPTED AND SIGNED BY ALL PARTIES.

- Deadline: **Wednesday May 01, 2019.** The application must be submitted to the City of Nampa no later than 5:00pm, Mountain Standard Time of the deadline.

  **NO EXCEPTIONS TO THE SUBMISSION GUIDELINES WILL BE GRANTED!**
C. APPLICATION REQUIREMENTS:

Eligible Applicants

- Applicant organizations must be either a (1) City Department or (2) public agency or (3) private, non-profit entity with current 501(c)(3) or equivalent status or (4) private, for-profit entity that shares a mission similar to that of providing assistance and encouraging self-sufficiency to low and moderate-income persons.
  - Any applicant/organization that does not meet one of these requirements may be able to work with a city department to be a sponsoring applicant. The City Department will then be the recipient of funds and will have to ensure compliance.
  - Any applicant/organization that meets the complete list of HUD criteria (found at 24 CFR 570.204) for qualifying as a Community Based Development Organization (CBDO) may meet exemption requirement for use of CDBG funding for public service and/or housing in designated areas.

- Must have a valid Duns and Bradstreet Number to submit. A DUNS number can be obtained for free. Obtain this number as soon as possible, do not wait until the application due date. Obtain a number at: www.dnb.com/us.
  - City Departments must use the City DUNS number.

- Applicants with unresolved audit, disallowed costs or prior performance problems from any previous grant will be ineligible to apply for a new grant.
  - City Departments are not required to submit an audit.

- If currently a City of Nampa CDBG recipient, grantee must be in good standing.

Multi-Year Funding

- Construction projects may be eligible for multi-year funding allocations for large projects. Rather than requesting CDBG funding two/three years in a row for CDBG funding, a recommendation may be made to award funding for future years. If you are interested in Multi-Year funding for one project, contact CDBG staff.
  - Projects from applicants in need of a City sponsorship are not eligible for multi-year funding.

City Department Guidance

Most City projects are for construction, reconstruction or acquisition of property of city facilities or services. Contact CDBG staff to discuss the viability of the proposed project, if it is not currently located in the City Right-of-Way.

- Exemptions to some criteria:
  - City projects are exempt from some criteria as it does not apply. Projects for non-eligible entities that are sponsored by the City must address all required information regardless of City exemption.
  - When criteria does not apply but is identified as “required” within ZoomGrants and will not allow the application to be submitted without an answer it is necessary to identify the criteria as not applying. As such, the applicant shall type “NA” or attach a document stating that it is not required for City Projects. For example: there is no need to attach a copy of the city audit and therefore the applicant should attach a 1-page sheet stating that the Audit is not required.
Areas that do not apply to City projects:
- Describing the financial policies and procedures or when they were last reviewed/updated.
- Describing the administrative structure of the organization if there are no committees or commissions, outside of City Council, that is involved in the project.
- Do not complete or upload certain documents:
  - Board of Directors Member Form – complete only if a commission or committee other than City Council will have impact on the project
  - Last Audit or organization budget
  - 501 (c) 3 certification or public agency documentation
  - Copy of EEO policy
  - Proof of liability coverage or fidelity bond coverage for principals

Planning & Staff costs
- It is not the policy to pay for City Staff time with CDBG or to pay for planning costs associated with a project; planning does not mean design costs. City staff time is treated as match.

LID (Local Improvement Districts)
- The use of CDBG funds in any project that may require the repayment of the cost to the City (LID assessments) is not recommended. If CDBG funding is used, the city **must** pay for the assessment charges for the very-low & low-income households. This can easily use the entire CDBG funds and even more. If the proposed project may use an LID contact CDBG staff immediately to discuss viability.

Acquisition
- If property is to be acquired for the project, regardless of CDBG funds used in the actual acquisition, contact CDBG staff immediately as Environmental and Uniform Relocation Act requirements must be addressed.
- If the property for the project was acquired within 1 year prior to application contact CDBG staff to ensure that the project is not subject to Uniform Relocation Act requirements.

Design & Construction Projects
- CDBG’s use for construction can be used one of three ways.
  - CDBG purchases the materials and City force do the actual construction. This process does not affect the overall cost of a project.
  - The City contracts out for the construction work and pays for the construction with CDBG funds. This process does affect the overall cost of the project as the project is subject to the Davis Bacon Act.
  - CDBG pays for the design of the project only. This process does not affect the overall cost of the project. Documentation of proper City procurement procedures must be provided for the CDBG files. Procurement of Design professionals on the Public Works Pre-Qualified list has met the proper procurement procedures.
Sponsorship

- It is possible that City Departments may be approached by non-eligible entities to sponsor their project for a CDBG application. The City Departments may sponsor a non-eligible entity; final ownership determines if it is a sponsored project or a City department project.
  - If the non-eligible entity will have ownership than it is a Sponsored project and subject to all the questions in the application. Such activities may include the development of a park for a neighborhood association to be owned by the neighborhood association.
  - If the City will have final ownership than it is a City Department project and is exempt from some of the questions in the application. Such activities may include the development of public infrastructure to convert a neighborhood from septic to city sewer system.
- The responsibility of the administration, tracking and compliance of the project falls upon the sponsoring City Department.
D. FUNDING GUIDELINES:

- Most proposed projects will only be eligible for funding October 1, 2019 to September 30, 2020. **Note:** If your project may want to access multi-year funding, contact CDBG staff immediately.

- Project goals should be attainable within a defined period of time (typically one year) and should achieve measurable results. The application must identify the actual timeline that will be followed. Include all relevant milestones regardless of CDBG funding involvement in the particular step e.g. acquisition, design, bidding, site preparation, construction, and completion.

- Funds will not be granted to reduce existing deficits, entertainment, lobbying expenses, audits, or other ineligible expenses under the CDBG program.

- **Non-City Applicants will be required to execute a contract with the City before receiving any approved funds.** Funding is disbursed on a reimbursement basis. The contract must be signed by November 1, 2019 or the award will be forfeit.

  - City Departments will be notified of responsibilities of implementation of the project following award of the project.

- Projects **must** meet all applicable grant requirements of the U.S. Department of Housing and Urban Development (HUD).

- Applicants **must** demonstrate adequate management and fiscal controls within its current organization to undertake the proposed project.

- Applicants **must** demonstrate the ability to leverage or match the requested funds from other sources, including City General Funds, Staff time, donations and other grant funds. City projects do not require match, but it is encouraged as it is used in the scoring. All leverage/matching funds must be dedicated to the requested project and available during the project period, i.e., October 1, 2019 – September 30, 2020. All funds for the project must be listed in the budget to be counted toward any match requirement. The following leverage/match requirements apply:

  - **City Department Exception** – City projects do not require match, but it is encouraged as match is part of the scoring process. Non-eligible organizations that have a city department sponsor the project are not eligible for the exception; they must provide the match as indicated below.
    - Indicate in the application any intention of the Department to request general fund budget dollars or enterprise funds dollars in the upcoming budget cycle. This provides advance notice to City Council of budget needs for completion of the project.
    - For Construction projects the estimated land value and maintenance cost for the next 5 years can be used for the match scoring process.
- **Public Service Projects** – Minimum 100% MATCHING FUNDS required (match may be from cash or in the form of in-kind contributions and/or volunteer labor. The current rate for volunteer match time is $24.69 per hour.)
- **Construction/Rehabilitation Projects** – Minimum 100% MATCHING FUNDS required, dedicated to the specific construction project (match may be from cash or in the form of in-kind contributions and/or volunteer labor.) No operating funds will be considered as MATCHING FUNDS.
- **Acquisition with Construction Projects** - Minimum 100% MATCHING FUNDS required, dedicated to the specific acquisition/construction project (match may be from cash or in the form of in-kind contributions and/or volunteer labor.) No operating funds will be considered as MATCHING FUNDS.
- **Acquisition Only Projects (no construction)** – Minimum 50% CASH MATCH required, dedicated to the specific acquisition project. No operating funds will be considered as MATCHING FUNDS.

- Applicants must demonstrate that they have attempted to obtain funding from other sources. Evidence (a letter, statement, list of grants/foundations with pending application, or other documentation) of this should be included as part of the project narrative and submitted with the proposal, with status and/or response from potential funding sources.

- Funding Request Levels: applicants interested in projects in need of less than the minimum amount should consider reviewing the City of Nampa’s Community Grants webpage for suggestions of other funding opportunities.
  - **Public Service Projects:**
    - City Applicants that request less than $3,000 will be considered non-responsive.
    - Non-City Applicants and City Sponsored Projects that request less than $15,000 will be considered non-responsive.
      - No more than 4 public service sub-recipients shall be awarded regardless of the funding amount.
      - If a public service applicant that generates Program Income is awarded funds, the City shall not award total funding under this category at a greater amount than 13% of the entitlement funds. The percent of entitlement amount expended on public service project may never be greater than 15%. The percent allocated to public service project is subject to change at allocation dependent upon the projected program income to be generated and the percent of CDBG to the total project cost.
  - **Capital (non-public service) Projects:** Applicants, City and non-City, that request less than $20,000 will be considered non-responsive.
E. APPLICATION CRITERIA

- Applicants must report the status of all funds that are requested or proposed from other sources.

- Applicants who previously received CDBG funding must report the status of that funding, including actual accomplishments. Prior awardees should demonstrate that they have been timely in expending their funds and submitting their progress reports and drawdown requests on any prior year CDBG projects. Under special circumstances the City can waive this requirement.

- Applications must be complete and include all applicable supporting documents to be considered for review and scoring. Applications with missing documentation will be considered non-responsive and will not be reviewed. Additional application information will not be considered after the application deadline unless specifically requested by CDBG staff.

- Strong consideration will be given to projects that serve low to moderate-income residents within designated target neighborhoods. If a project is benefiting people that live through-out the City, it is not considered to be within a designated target neighborhood. See maps in the application for the boundaries of the target neighborhoods.
  - Target Neighborhoods
    - Neighborhood Revitalization Strategy Areas
    - NNU District
    - Old Nampa Neighborhood
    - Central Downtown District
  - Target Areas for specific project types
    - Floodplain corridor for floodplain mitigation efforts
    - Transportation Corridors – housing development within 1 mile of public transit corridors

**Consolidated Plan Goals and Objectives:**

Only those projects addressing at least one of the goals identified in the Consolidated Plan and at least one of the objectives associated with these goals (listed in the Consolidated Plan) will be considered for CDBG funding.

Please review the Consolidated Plan goals and objectives to ensure that your project is consistent with these goals and objectives before submitting a project proposal. To see the Goals and Objectives please go to [https://www.cityofnampa.us/DocumentCenter/View/6988/2017-Nampa-Con-Plan-and-All_DRAFT-REPORT?bidId=](https://www.cityofnampa.us/DocumentCenter/View/6988/2017-Nampa-Con-Plan-and-All_DRAFT-REPORT?bidId=)

**Priority for Funding Criteria**

In reviewing and evaluating proposals for CDBG funding for the current CDBG Program Year, consideration/priority will be given to the following types of projects that:
o Successfully maximize utilization of outside (non-CDBG) funds and services (including cash contributions, in-kind contributions, and volunteers).

o Do not duplicate existing services and that effectively utilize/maximize partnerships with other organizations and agencies in the community.

o Demonstrate that the agency has the staff capability and capacity to successfully implement the proposed project.

o Are clearly defined and realistic in scope, location, need, budget, and goals.

o Demonstrate a clear and effectual plan for evaluating the progress of the project toward addressing the identified need or problem.

o Utilize a proven effective strategy to improve conditions or solve an identified problem; including those that are federal requirements.

o Demonstrate readiness to be implemented in a timely manner once the CDBG funds are awarded.

o Have strong neighborhood/community support, with sufficient evidence illustrating this support.

o Require a one-time only infusion of funds.

o Have a sustainable long-term impact, whether these strategies preserve dollars (through tools such as revolving loan funds), preserve affordability of housing, or help people move toward self-sufficiency.

o Do not result in the permanent displacement or relocation of current occupants from their homes or rental units in order to create additional affordable housing.

Applications must address one or more of the following Funding Priorities set forth in the Consolidated Plan. To assist with the allocation of resources in meeting the above goals, the City has established the following funding priorities. While the City recognizes that all of the objectives identified in the Consolidated Plan are critical issues for the City to address over the 5-year Consolidated Plan period, project proposals addressing higher priority needs will score higher during this CDBG Program Year. Depending on the pool of proposals, however, projects in other than the high priority category may be funded.

**High priority needs**

- Improved accessibility in Nampa, including transit, community infrastructure, and accessible homes.

- More affordable and diverse housing options. These would help renters who want to buy achieve homeownership, stabilize low income renters, and meet the market needs for residents who want to downsize and/or desire housing products other than single family homes.
- Neighborhood revitalization and increased economic opportunity for residents living in North Nampa. Job growth to allow Nampa residents to both live and work in Nampa.

- Improved housing options for individuals/families leaving domestic violence situations.

- Expanded key social services—including mental health services—to alleviate demands and costs of first responders.

**Housing Priorities**

- Explore and support opportunities for rental assistance programs and new units to serve very low income renters, especially families who are leaving domestic violence situations and/or are families with children.

- Explore and support credit counseling, down payment assistance, and affordable infill opportunities for moderate-income renters wanting to buy in Nampa.

- Continue housing rehabilitation programs for low and moderate income households, prioritizing accessibility and visitability.

**Economic Opportunity Priorities**

- Support and expand job training for residents who are under- and unemployed, especially to address shortages of workers in food processing and manufacturing.

- Improve transit options in North Nampa, not only to address the needs of residents without cars, but to accommodate employment growth, business retention and economic development.

- Expand health services, including mental health and healthy food choices, in neighborhoods and for residents where services are lacking.

**Neighborhood and Community Development Priorities**

- Improve accessibility in Nampa’s older neighborhoods (e.g., sidewalks, ADA improvements, accessible and visitable homes).
• Expand public transit options, especially in neighborhoods where residents are least likely to have cars and work service and retail jobs that require non-traditional work hours.

• Support neighborhood revitalization in North Nampa to address lack of access to healthy food, lack of mental health and substance abuse services, and crime.

**Fair Housing Priorities**

• Credit improvement and education for renters who desire to become homeowners and owners at risk of foreclosure.

• **Opportunities for economic growth in North Nampa.** Nampa has one neighborhood that qualifies as a HUD-designated Racially and Ethnically Concentrated area of Poverty (R/ECAP). This neighborhood houses many residents of Hispanic origin who are extremely low income and many for whom English is a Second Language (ESL). This neighborhood is challenged by higher than average crime, no grocery stores, limited transit, limited walkability, and a physical separation from downtown Nampa. Investing in this neighborhood through improvements in education quality, transit, healthy food, and job training and employment opportunities would improve the economic outcomes of residents—especially the long-term economic outcomes of children—and benefit the City overall.

*Note: Special needs populations include the homeless, the elderly, abused children, illiterate adults, individuals living with HIV/AIDS, migrant farm workers, and adults defined as severely disabled including those with physical or developmental disabilities, individuals with substance abuse problems, and individuals with severe, persistent mental illness.*

• For Public Service projects or programs: Demonstrate that the proposed activity will result in a new service or a quantifiable increase in the level of service above that which has been provided by the applicant during the previous 12-month period. Applicants are expected to ensure that they are not duplicating services that are already available and that other sources of funding have been explored.

• Consideration should be taken in the selection of projects and in the preparation of applications to ensure that environmental and historic preservation impediments do not cause an application to be denied, or approval severely delayed. Non-Public Service applicants should canvas the service area and note any environmental concerns and address how their program will mitigate them.

• Special Note for Construction Projects:
  o Applicants **awarded** construction or rehabilitation projects must ensure they meet requirements specified under the Davis-Bacon Related Acts. The Act requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under HUD programs shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C.276a-276a-5).
- If City staff will be doing the actual construction or rehabilitation work and CDBG funds will be assisting with other areas (acquisition of material, design professional fees, etc.), the Davis Bacon Act does not apply.

  - Applicants **applying** for construction or rehabilitation projects must ensure that they complete a City of Nampa Conceptual Plan Review (contact the City of Nampa Planning & Zoning Department) prior to the presentations to City Council are made and should provide evidence as such at the presentations to City Council. Applicants that have not completed the review will be considered non-responsive and will not continue through the review process.
    - City Applicants are exempt from this requirement.

  - Applicants **awarded** construction or rehabilitation projects must ensure that they have approval of the designs for the project no later than October 1 of the current year. Any applicant that does not have approval by the stated date may be subject to forfeiture of the award of CDBG funds and no contract will be signed. The forfeited funds will then be returned to the CDBG program for reallocated.
    - City Applicants are exempt from this requirement.
    - Affordable Housing Development: for those applicants pursuing HOME funding or Low/Income Housing Tax Credit funding from IHFA shall be provided an extension to this requirement. If awarded, the applicant shall be required to secure funding no later than the spring IHFA application cycle following award of CDBG funding. At notice of award from IHFA, the applicant must submit an updated schedule and timeline of when completed designs shall be provided to the City.
    - Applications for use of CDBG funds for acquisition of design services may be exempt from this requirement on a case by case basis.
F. CITY MAP & OTHER TARGET AREAS BY CENSUS TRACT AND CORRESPONDING LMI %

- The City of Nampa has identified four target neighborhoods and two areas targeted for specific types of projects. These include:

- Target Neighborhoods
  - North Central Nampa designated as a Neighborhood Revitalization Strategy Area
  - Northwest Nazarene University District designated as a Local Target Area
  - Central Nampa Downtown District designated as a Redevelopment Area
    - Downtown Business
    - Downtown Village
    - Downtown Historic
  - Old Nampa Neighborhood, including the Residential Historic District, designated as a Local Target Area

- Target Areas for specific project types
  - Floodplain along Indian Creek designated as a Local Target Area for floodplain mitigation
    - Floodplain corridor for floodplain mitigation efforts, including projects that positively impact the floodplain; i.e. through the development of open spaces, removal of obstructions, or renovation of floodway.
  - Transportation Corridors designated as a Local Target Area for Transit Oriented Development
    - Transportation Corridors – housing development within 1-mile walking distance of public transit corridor. Applicant must provide documentation that public transit is within 1 mile of the location of the housing development.

- Strong consideration will be given to projects that serve low to moderate-income residents within these designated targeted neighborhoods.

- Use the enclosed maps to identify the boundaries of the four target neighborhoods.

- If using LMI Area as the basis for the project National Objective eligibility, use the enclosed maps to identify the boundaries of the project and the corresponding Low/Moderate Income percentages.
G. REVIEW PROCESS:
There is a multi-layer review process for all applications. The application is first reviewed for threshold requirements. A committee will review and score all applications that pass the review threshold. An application must receive at least 50 points to be considered for funding. The Economic / Community Development Department will then prepare a list of the rated applications for the Mayor and City Council.

- Review Threshold Requirements must be met, or the application will be considered non-responsive and will not be reviewed for funding; they are.
  - Application complete, approved, and Resolution signed by Board of Directors or City Department Head, as appropriate. Any application considered non-responsive will not be reviewed.
  - A valid DUNS and Bradstreet number provided.
  - Copy of the client intake/application form or method for documenting beneficiaries.
  - Request of CDBG funds is no less than guidelines state.
  - Complete an accurate Fiscal Year 2019 – 2020 CDBG Budget Forms.
  - Complete an accurate Fiscal Year 2019 – 2020 Organization Operational Budget (City Department Exempt).
  - Current 501(c)(3) status (attach documentation) or documentation as a public agency or mission statement similar to that of providing assistance and encouraging self-sufficiency to low and moderate-income persons (City Department Exempt).
  - Annual financial statement and/or most recent Audit, Management letter and Agency response and status of corrective action plan. (City Department Exempt)
    - The audit must meet test of independence, include assessment of internal controls, review of financial record keeping system, review of timely distribution of funds, review of compliance with applicable requirements, and deal of any disallowed costs and concerns or findings. If the Audit identifies findings and the Agency does not provide a response with corrective action plan, the application will be considered non-responsive and will not be reviewed.
  - Proposed service/program/project meets one of the CDBG National Objectives.
  - Be located within the Nampa City limits or demonstrate that a majority of the clients served reside within the City of Nampa.
  - Address one or more of the Local Objectives stated in the Five-Year Consolidated Plan.
All applicants that meet the minimum threshold requirements and score will be invited to present their project to the Mayor and City Council. All applicants will be notified of meeting threshold requirements and presentation times in writing, on or about May 29, 2019. A tentative date for the presentations is scheduled for June 5, 2019. The invite letter is not a guarantee of funding. No decision regarding funding will be made at the presentation time. Final selection of funded projects will occur during a regular schedule Council Meeting on June 17, 2019.

- Non-City applicants applying for construction or rehabilitation projects must ensure that they complete a City of Nampa Conceptual Plan Review (contact the City of Nampa Planning & Zoning Department) prior to the presentation to City Council. Applicants that have not completed the review will be considered non-responsive and will not continue through the review process.

- All applicants that have met minimum threshold requirements will be notified of the funding recommendations in writing, on or about August 9, 2019. Receipt of an award letter is not a guarantee of funding. All awards are subject to further pre-contract negotiation and an award of the annual entitlement appropriation by the U.S. Department of Housing and Urban Development to the City.

- Currently funded applicants who have received prior CDBG funding will also be evaluated on past performance in carrying out programmatic activities and contractual compliance. Factors such as applicant ability to meet service delivery goals, timely expenditure of funds, timely reporting, accuracy of reporting, ability to meet audit requirements, and other programmatic and fiscal contractual requirements will be considered. These other factors will be considered in conjunction with the proposal score in developing an overall recommendation for applicant funding.
H. CRITERIA AND SCORING:
The following criteria and scoring will be considered in developing a recommendation for applicant funding. The maximum score is 100 points.

- **Target and LMI populations** (up to 10 pts)
  - How effectively the project targets the beneficiaries.
  - The number and percentage of low- and moderate-income households or individuals to be served.

- **Consolidated Plan Objective, Goals & Priority** (up to 15 pts)
  - Relationship between the proposed project and the community needs identified in the 2017-2021 Consolidated Plan.
  - Funding priority level

- **Project Description** (up to 5 pts)
  - Description of proposed program/project
  - Proposed work plan/timeline

- **Statement of Need** (up to 10 pts)
  - Community problem or need to be addressed
  - Supporting documentation; all data references must identify the source of the information; i.e. Census, study, city plans, etc.
  - Target population and target service delivery area

- **Program Delivery** (up to 10 pts)
  - Program goals and objectives are S.M.A.R.T
  - Organization chart
  - Responsibilities of persons associated with delivery of project/program
  - Number of jobs retained/obtained by applicant and clients
  - Program continuation, with or without federal funding

- **Applicant Capacity** (up to 20 pts)
  - Administrative structure of Applicant
  - Details of past program years results vs. goals
  - Evidence of board training and development
  - Financial statement and/or most recent Audit, Management Letter and Agency Response
  - Past performance with CDBG grant administration and/or other grant administration
  - Evidence of adequate fiscal planning and managerial capabilities
  - Staff experience
  - Compliance history of Grant administration

- **Coordination** (up to 5 pts)
  - Collaborations implemented to enhance services and programs
  - Community outreach for application
  - Community outreach for project

- **Leveraging Other Funds** (up to 5 pts)
  - Financial support through earned income, private giving and governmental support

- **Budget** (up to 20 pts)
  - Mathematically correct and accurate through-out application
  - Sources of other revenue and expenses (categorize)
  - Matching Funds
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM YEAR 2019  
APPLICATION GUIDELINES  

I. POST - AWARD & SUB-RECIPEINT CRITERIA:  
All awards and amount are subject to further pre-contract negotiation and the actual level of annual entitlement appropriation by the U.S. Department of Housing and Urban Development to the City of Nampa. Funded applicants that do not comply with Post-Award and Sub-recipient criteria listed below will forfeit their award of CDBG funds and no agreement will be signed. The forfeited funds will then be returned to the CDBG program for reallocated.

Prior to Execution of Contract/Agreement

- All funded applicants will be required to attend a mandatory CDBG orientation session to be held prior to project implementation. Staff associated with the CDBG funded program must attend the workshop. This includes the person(s) responsible for administering the project, data collection and reporting, and completion of draw requests.
  - If applicant staff changes during the duration of the contract, the City of Nampa must be notified immediately. A special orientation session must be held for the new staff prior to any further draw requests.

- All funded applicants will be required to submit an updated accounting of users receiving services in the previous 12 months (October 1, 2018 – September 30, 2019) at time of agreement signing.

- The City of Nampa may award funds at a different level than requested. If the award level differs from the requested amount, the funded applicants will be required to submit a revised project budget prior to agreement signing.

- All funded applicants must sign the Agreement no later than November 1, 2019, unless other date specified by CDBG staff. If the agreement is not signed at such time, the award will be considered forfeit and the funds will be returned to the CDBG program for reallocation.

- All funded applicants shall **not** incur any costs or obligate any CDBG funding until a release of funds is received from the US Department of Housing and Urban Development and/or the City of Nampa, Economic Development Department.

- If the proposed project includes construction of any type, it is imperative that the non-City applicants work with the appropriate City department as all funded applicants with projects that include construction must have a final design plan approved by the City of Nampa prior to October 1, 2019. If the plan is not approved, award will be considered forfeit and the funds will be returned to the CDBG program for reallocation.

Post Execution of Agreement

- Ensure recognition of the role of the **City of Nampa Community Development Block Grant** in providing services. All facilities assisted, not including private homes, must have a permanent plaque attached to the facility identifying the role of the City. All facilities where services are provided and/or material associated with services assisted with CDBG funding shall be prominently labeled as to the funding source. In addition, all applicants will include a reference to the support provided in all publications made possible with CDBG funds.
- All funded applicants will be required to maintain accurate records documenting that the targeted populations and/or areas are being served by the project, and to provide quarterly reports to the City demonstrating that this requirement is being satisfied. The funded applicant must collect and track data elements associated with the program. These elements will include, the number of persons/households served, income levels, family size, race/ethnicity, number of elderly served, and number of female head of households served. Additional elements may be required to be collected and track depending upon the nature of the program.

- For Construction, rehabilitation or acquisition projects, the City of Nampa’s shall retain an interest in the property. For City projects, the interest shall be retained in perpetuity. For non-City project the interest shall be retained for a minimum of 5 years and ensuring that the property maintains a CDBG eligible use for 5 years following the close of the project. A longer time of CDBG interest may be retained as specified in individual contracts. The contract will state:

  The use and disposition of real property and equipment under the Agreement shall be in compliance with the requirements of 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and 24 CFR 570.502, 570.503, 570.504, 570.505 and 570.506, as applicable, which include but are not limited to the following:

  1. The **Subrecipient** shall maintain real property inventory records, which clearly identify properties purchased, improved or sold.

  2. Real Property that was acquired or improved, in whole or in part, with funds under this Agreement in excess of $25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement. If the use of the CDBG assisted real property fails to meet a CDBG National Objective for the prescribed period of time, the **Subrecipient** shall pay the **CITY** an amount equal to the current fair market value of the property less any portion of the value attributed to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payments shall constitute program income to the **CITY**. The **Subrecipient** may retain real property acquired or improved under this Agreement after the expiration of the five-year period.

- In addition to the key programmatic requirements noted in the application guidance, CDBG projects are also be subject to other Federal requirements, including:

  - **Fair housing and equal opportunity**: Discrimination based on race, color, national origin, religion, familial status, sex or age is prohibited.

  - **Handicapped accessibility**: Generally, Federally-assisted buildings and facilities must be accessible to handicapped persons.

  - **Employment and contracting**: Grantees may not discriminate in employment and must make efforts to provide training and employment opportunities to low income residents.

  - **Environmental review**: Grantees must undertake environmental reviews in accordance with 24 CFR Part 58.
- **Flood insurance**: CDBG funds may not be provided in a Federal Emergency Management Agency (FEMA) designated special flood area unless specific precautions are undertaken.

- **Lead-based paint**: CDBG rehabilitation and construction activities must comply with 24 CFR Part 35 and Section 401(b) of the Lead-Based Paint Poisoning Prevention Act.

- **Labor standards**: Construction activities may be required to comply with the Davis Bacon Act and the Contract Work Hours and Safety Standards Act.

- **Debarred, suspended and ineligible contractors and subrecipients**: CDBG funds cannot be provided to debarred, suspended, or ineligible contractors, subcontractors or subrecipients.

- **Conflict-of-interest**: CDBG recipients and subrecipients must comply with procurement requirements found at 2 CFR 200.318 and 570.611 and with any other applicable conflict-of-interest provisions.

- **Acquisition and Relocation**: Acquisition, rehabilitation, and/or demolition activities may be covered by the Uniform Relocation Act and/or Section 104 (d) of the Housing and Community Development Act.
AGENDA SUBJECT: NEW BUSINESS ITEM

APPROVE THE 2018 PROGRAM YEAR FAMILY JUSTICE CENTER ROOFING AND HVAC RENOVATION AMENDED GRANT AWARD AS PRESENTED.

The Family Justice Center building has several updates and fixes that are needed. The largest portion of the HVAC system needs to be upgraded. The roofing is very old and needs to be replaced and electrical work brought up to code. Attached to this memo is the scope of work and bid for the project that outlines the cost of the project and specific work activities. City staff proposes to use the CDBG funds already allocated for the Family Justice Center project for program year 2018 and funds to reallocated from prior program years 2015, 2016 and 2017.

Original November 5, 2018 Council Approved Funding Allocation:

<table>
<thead>
<tr>
<th>CDBG Fund Family Justice Center</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PY 2018 Project Year Allocation</td>
<td>$126,564.00</td>
</tr>
<tr>
<td>PY 2017 funds to be reallocated</td>
<td>$166,233.22</td>
</tr>
<tr>
<td>PY 2016 funds to reallocated</td>
<td>$114,163.26</td>
</tr>
<tr>
<td>PY 2015 funds to reallocated</td>
<td>$23,569.88</td>
</tr>
<tr>
<td><strong>Total CDBG funds available</strong></td>
<td><strong>$430,530.36</strong></td>
</tr>
</tbody>
</table>

Recommended change to funding levels to meet February 15, 2019 contract amount and allow for a 2% overage to cover unforeseen issues:

<table>
<thead>
<tr>
<th>CDBG Fund Family Justice Center</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PY 2018 Project Year Allocation</td>
<td>$126,564.00</td>
</tr>
<tr>
<td><strong>PY 2017 funds to be reallocated</strong></td>
<td><strong>$182,551.86</strong></td>
</tr>
<tr>
<td>PY 2016 funds to reallocated</td>
<td>$114,163.26</td>
</tr>
<tr>
<td>PY 2015 funds to reallocated</td>
<td>$23,569.88</td>
</tr>
</tbody>
</table>
The total cost identified in the bid by Garland/DBS Inc is $436,849. The original cost as approved by City Council on November 5, 2018 was for $430,530.36. The increase cost reflected in the February 2019 contract will be covered by the reallocation of funds from the 2017 program year. Due to the nature of the work, we are requesting an approval of funding above the cost provided by Garland to allow for unforeseen expenses that could arise during the remodel project. We are requesting the council approve the additional $16,318.68 reallocation from the 2017 program year grant to the 2018 Family Justice Center remodel. The increase will break down as follows:

$6,318.64 - Contract Price Increase
$10,000.00 – 2% Overage for unforeseen changes in the project costs.

As required by Housing and Urban Development an environmental review was performed and was determined to need additional mitigating factors related to the asbestos abatement. The removal of asbestos in some layers of the roofing material and insulation located in the elevator shaft. As such, the Family Justice Center project approved previously by City Council was subject to an additional public notification period which began on 02/12/2019 and was completed on 02/27/2019. A formal request for the release of funds from HUD was submitted on 02/28/2019 and the anticipate official release of funds is scheduled to arrive 03/18/2019 per our HUD representative.

**STAFF RECOMMENDATION:** Approve the amended Family Justice Center 2018 Program Year grant award as presented.
BID AWARD
ROOF REPLACEMENT WITH MECHANICAL AND ELECTRICAL UPGRADES
THE CITY OF NAMPA, MANGUM BUILDING (Family Justice Center)

- The proposed project budget of $436,849 will be financed by CDBG funding; an initial budget of $430,530.36 was approved at the November 5, 2018 City Council Meeting. The cost increase of $6,318.64 will be covered by reallocated CDBG Funding. Matthew Jamison, from Nampa Economic Development, has informed Facilities that the project is at an appropriate phase to request contract approval.

- Documents have been reviewed by Legal.

- Facilities Development, as part the Department of Building Safety and Facilities Development, is charged with maintaining and improving City property. Facilities Development has identified the need for Roof Replacement, Electrical Work and Mechanical Work at the Mangum Building. The Proposer provides all management, supervision, labor, materials, supplies, and equipment, and will plan, schedule, coordinate and assure effective performance of all services described herein.

- Acquisition will be made utilizing a cooperative purchasing agreement with U.S. Communities.

- The contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

REQUEST: That City Council award bid and authorize Mayor Kling to sign a design and construction contract with Garland/DBS, Inc. for the Roof Replacement and Mechanical and Electrical Work at the Mangum Building, not to exceed contract amount of $436,849.
Please Note: The following budget/estimate is being provided according to the pricing established under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with Cobb County, GA and U.S. Communities. This budget/estimate should be viewed as the maximum price an agency will be charged under the agreement. Garland/DBS, Inc. administered a competitive bid process for the project with the hopes of providing a lower market adjusted price whenever possible.

Scope of Work:

**Roof Replacement**

1. Tear off existing roof system down to structural wood deck.
2. Dispose of asbestos containing materials as outlined by Idaho Department of Environmental Quality and EPA regulations
3. Inspect decking for any deteriorated/damaged areas. If found, repair with similar material and thickness
4. Mechanically attach ½” DensDeck Prime insulation board per ASCE 7 wind uplift calculations
5. Install SBS modified bitumen base sheet via Green-Lock Membrane Adhesive (No VOC product)
6. Install 60 mil FB KEE Thermoplastic cap sheet via low rise foam adhesive per manufacturers recommended coverage rate
7. Install KEE non-FB membrane to all perimeter walls per detail specified
8. Install crickets behind all skylights/units @ 1:12 slope
9. Mechanical Contractor responsible for replacement of gas line supports
**Electrical Work**
1. Remove existing conduit & wire on roof.
2. Replace with proper sized conduit and wire.
3. For RTU's, weatherproof GFCI outlets, security camera cables.

**Mechanical Work**
1. Carrier 10 Ton RTU remove and replace. Install new Carrier - 48TCED12 w/Economizer. New Carrier unit to be set on a downshot curb with spring isolation rails. Reconnect to existing DDC controls system. Curb modifications as needed to connect to existing air distribution.
2. York RTU S# N0A8578812 -Crane-lift unit off roof, demo ductwork, install downshot curb with spring isolation rails, re-set unit on new curb, reconnect gas and condensate. Curb modifications as needed to connect to existing air distribution. Reconnect to existing DDC controls system. (unit stored on-site until re-installed).
3. (3) Condensing Units - Ruud S# W121413303, Inter-City S# L920819692 Diakin S# C002230:
   - Recover refrigerant, disconnect units, install roof curbs/caps, re-set units on new curbs, reconnect refrigerant lines, recharge systems and check operation. NOTE: Operational condition of unit(s) not part of this proposal. (units stored on-site until re-installed).
4. Natural Gas Supply Lines: Remove existing gas lines that are presently set on wooden blocks, install prefab plumbing support blocks and re-install gas lines as needed.
5. Sewage Vents: Investigate vents that are abandoned below the roofline, demo unused vents above roofline, cap below roofline, prior to re-roofing.
6. Remove abandoned AC vent and flue roof penetrations.

**Electrical Work & Services**
Provide electrical services to complete electrical design documents associated with the proposed re-roofing of the existing Nampa Family Justice Center. Basic Scope:
1. Installation of a new roof including abatement of existing hazardous materials and removal of existing over-builds.
2. Reconfiguration/re-routing of existing raceways on the roof to comply with current electrical code requirements.
3. Placement of existing exposed conductors and cables into new raceway systems.
4. Reconnection of existing HVAC and other electrically operable items on the roof.
5. Placement of roof-mounted receptacles to comply with current electrical code requirements.
Scope of Design Services
The following basic services are included in our proposal for preparation of all design documentation:

1. Preparation of specifications in MASTERSPEC format.
2. Coordination services with other design disciples and team members.

Scope of Construction Support Services
Provide Construction Support Services through the construction periods of the project.

1. Prepare written directives to construction team throughout the construction period of the project in the form of RFI's, ASI's, CCD's, etc.
2. Review submittals and shop drawings for conformance with specifications, and contract documents.
3. Attendance on-site at (2) construction meetings during the duration of the construction period.

Base Bid – Family Justice Center/City Hall Annex

| Proposal Price Based Upon Market Experience: | $436,849 |

Deduct Option to Base Bid:
1. Deduct option for keeping the units in their current position with side ducting.

Deduct Option to Base Bid:

| Proposal Price Based Upon Market Experience: | $(14,661) |

Potential issues that could arise during the construction phase of the project will be addressed via unit pricing for additional work beyond the scope of the specifications. This could range anywhere from wet insulation, to the replacement of deteriorated wood nailers. Proposal pricing valid 60 Days from date listed above.

Clarifications/Exclusions:
1. Bonds are included.
2. Masonry work is not anticipated.
3. Any work not described in the above proposal scope of work is excluded.
If you have any questions regarding this proposal, please do not hesitate to call me at my number listed below.

Respectfully Submitted,

Matt Egan

Garland/DBS, Inc.
(216) 430-3662

Gene C. Schmitz
City of Nampa, ID

Signature: ____________________________
Print Name: __________________________
Title: _______________________________
Date: _______________________________
This project is to be funded by Facilities. The approved FY19 project budget is $215,000. Design and Engineering fees are $24,900, the construction contract is $195,710.30, the total project cost is **$220,610.30**. Facilities will fund the budget overage of $5,610.30 from the Facilities Operating Budget. (The original FY19 budget request of $240,000 for this project was decreased by council to $215,000 during the FY2019 budget approval process.)

Documents have been reviewed and approved by Legal.

Facilities Development, as part the Department of Building Safety and Facilities Development, is charged with maintaining and improving City property. Facilities has identified a need the replacement of the Chiller at City Hall. The proposed contractor provides all management, supervision, labor, materials, supplies, and equipment, and will plan, schedule, coordinate and assure effective performance of all services described herein.

Facilities Development solicited bids from contractors for the Chiller Replacement Project. A pre-bid walk through was conducted at the project site on February 12, 2019 at 10:00 a.m.

A total of five (5) bids were received on February 26, 2019.

The apparent low bid was received from TVR, Inc.

Contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

REQUEST: Council award bid, and authorize Mayor Kling to sign contract with TVR, Inc. for the City Hall Chiller Replacement not to exceed contract amount of $195,710.30.
AGREEMENT made as of the Twentieth day of March in the year Two Thousand Nineteen
(In words, indicate day, month and year.)

BETWEEN the Owner:
(Name, legal status, address and other information)

City of Nampa
411 3rd Street South
Nampa, Idaho 83651
Telephone Number: 208.468.4416

and the Contractor:
(Name, legal status, address and other information)

T.V.R., Inc.
2925 S. Cole Rd.
Boise, ID 83709
Telephone Number: 208.323.0433

for the following Project:
(Name, location and detailed description)

City Hall Chiller Replacement
411 3rd Street South
Nampa, ID 83651
Remove existing chiller for City Hall HVAC system and replace with new chiller.

The Architect:
(Name, legal status, address and other information)

JGT Architecture
1212 12th Avenue South
Nampa, ID 83651
Telephone Number: 208-463-9295
Fax Number: 208-463-9299

The Owner and Contractor agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An Additions and Deletions Report that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

The parties should complete A101™–2017, Exhibit A, Insurance and Bonds, contemporaneously with this Agreement. AIA Document A201™–2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.
SECTION 1: THE CONTRACT DOCUMENTS

ARTICLE 1: THE CONTRACT DOCUMENTS
The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary, and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement, and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

SECTION 2: THE WORK OF THIS CONTRACT

ARTICLE 2: THE WORK OF THIS CONTRACT
The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

SECTION 3: DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

ARTICLE 3: DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
§ 3.1 The date of commencement of the Work shall be:
(Check one of the following boxes.)

[ ] The date of this Agreement.

[ X ] A date set forth in a notice to proceed issued by the Owner.

[ ] Established as follows:
(Insert a date or a means to determine the date of commencement of the Work.)

If a date of commencement of the Work is not selected, then the date of commencement shall be the date of this Agreement.

§ 3.2 The Contract Time shall be measured from the date of commencement of the Work.

§ 3.3 Substantial Completion
§ 3.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Contractor shall achieve Substantial Completion of the entire Work:
(Check one of the following boxes and complete the necessary information.)

[ X ] Not later than Ninety (90) calendar days from the date of commencement of the Work.

[ ] By the following date:

§ 3.3.2 Subject to adjustments of the Contract Time as provided in the Contract Documents, if portions of the Work are to be completed prior to Substantial Completion of the entire Work, the Contractor shall achieve Substantial Completion of such portions by the following dates:

<table>
<thead>
<tr>
<th>Portion of Work</th>
<th>Substantial Completion Date</th>
</tr>
</thead>
</table>

§ 3.3.3 If the Contractor fails to achieve Substantial Completion as provided in this Section 3.3, liquidated damages, if any, shall be assessed as set forth in Section 4.5.

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor’s performance of the Contract. The Contract Sum shall be One Hundred Ninety-five Thousand Seven Hundred Ten Dollars and Thirty Cents ($195,710.30), subject to additions and deductions as provided in the Contract Documents.

§ 4.2 Alternates

§ 4.2.1 Alternates, if any, included in the Contract Sum:

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternate No. 2 - Standby Pump with VFD</td>
<td>$19,630.30</td>
</tr>
</tbody>
</table>

§ 4.2.2 Subject to the conditions noted below, the following alternates may be accepted by the Owner following execution of this Agreement. Upon acceptance, the Owner shall issue a Modification to this Agreement. (Insert below each alternate and the conditions that must be met for the Owner to accept the alternate.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
<th>Conditions for Acceptance</th>
</tr>
</thead>
</table>

§ 4.3 Allowances, if any, included in the Contract Sum: (Identify each allowance.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowance No. 1 - Permits and Fees</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Allowance No. 2 - General Contingency</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

§ 4.4 Unit prices, if any: (Identify the item and state the unit price and quantity limitations, if any, to which the unit price will be applicable.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Units and Limitations</th>
<th>Price per Unit ($0.00)</th>
</tr>
</thead>
</table>

§ 4.5 Liquidated damages, if any: (Insert terms and conditions for liquidated damages, if any.)

Two Hundred Fifty Dollars ($250.00) per day

§ 4.6 Other: (Insert provisions for bonus or other incentives, if any, that might result in a change to the Contract Sum.)
ARTICLE 5   PAYMENTS

§ 5.1 Progress Payments
§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the Twenty-Fifth day of a month, the Owner shall make payment of the amount certified to the Contractor not later than the Tenth day of the following month. If an Application for Payment is received by the Architect after the application date fixed above, payment of the amount certified shall be made by the Owner not later than Thirty (30) days after the Architect receives the Application for Payment.  
(Federal, state or local laws may require payment within a certain period of time.)

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form, and supported by such data to substantiate its accuracy, as the Architect may require. This schedule of values shall be used as a basis for reviewing the Contractor’s Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 In accordance with AIA Document A201™–2017, General Conditions of the Contract for Construction, and subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

§ 5.1.6.1 The amount of each progress payment shall first include:
.1 That portion of the Contract Sum properly allocable to completed Work;
.2 That portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction, or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing; and
.3 That portion of Construction Change Directives that the Architect determines, in the Architect’s professional judgment, to be reasonably justified.

§ 5.1.6.2 The amount of each progress payment shall then be reduced by:
.1 The aggregate of any amounts previously paid by the Owner;
.2 The amount, if any, for Work that remains uncorrected and for which the Architect has previously withheld a Certificate for Payment as provided in Article 9 of AIA Document A201–2017;
.3 Any amount for which the Contractor does not intend to pay a Subcontractor or material supplier, unless the Work has been performed by others the Contractor intends to pay;
.4 For Work performed or defects discovered since the last payment application, any amount for which the Architect may withhold payment, or nullify a Certificate of Payment in whole or in part, as provided in Article 9 of AIA Document A201–2017; and
.5 Retainage withheld pursuant to Section 5.1.7.

§ 5.1.7 Retainage
§ 5.1.7.1 For each progress payment made prior to Substantial Completion of the Work, the Owner may withhold the following amount, as retainage, from the payment otherwise due:
(Insert a percentage or amount to be withheld as retainage from each Application for Payment. The amount of retainage may be limited by governing law.)
§ 5.1.7.1 The following items are not subject to retainage:
(Insert any items not subject to the withholding of retainage, such as general conditions, insurance, etc.)

§ 5.1.7.2 Reduction or limitation of retainage, if any, shall be as follows:
(If the retainage established in Section 5.1.7.1 is to be modified prior to Substantial Completion of the entire Work,
including modifications for Substantial Completion of portions of the Work as provided in Section 3.3.2, insert
provisions for such modifications.)

§ 5.1.7.3 Except as set forth in this Section 5.1.7.3, upon Substantial Completion of the Work, the Contractor may submit an Application for Payment that includes the retainage withheld from prior Applications for Payment pursuant to this Section 5.1.7. The Application for Payment submitted at Substantial Completion shall not include retainage as follows:
(Insert any other conditions for release of retainage upon Substantial Completion.)

§ 5.1.8 If final completion of the Work is materially delayed through no fault of the Contractor, the Owner shall pay the Contractor any additional amounts in accordance with Article 9 of AIA Document A201–2017.

§ 5.1.9 Except with the Owner’s prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ 5.2 Final Payment
§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when
.1 the Contractor has fully performed the Contract except for the Contractor’s responsibility to correct Work as provided in Article 12 of AIA Document A201–2017, and to satisfy other requirements, if any, which extend beyond final payment; and
.2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner’s final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect’s final Certificate for Payment, or as follows:

§ 5.3 Interest
Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.
(Insert rate of interest agreed upon, if any.)

12.00 % per annum

ARTICLE 6 DISPUTE RESOLUTION
§ 6.1 Initial Decision Maker
The Architect will serve as the Initial Decision Maker pursuant to Article 15 of AIA Document A201–2017, unless the parties appoint below another individual, not a party to this Agreement, to serve as the Initial Decision Maker.
(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)
§ 6.2 Binding Dispute Resolution
For any Claim subject to, but not resolved by, mediation pursuant to Article 15 of AIA Document A201–2017, the method of binding dispute resolution shall be as follows:

(Check the appropriate box.)

[ ] Arbitration pursuant to Section 15.4 of AIA Document A201–2017

[ X ] Litigation in a court of competent jurisdiction

[ ] Other (Specify)

If the Owner and Contractor do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.

ARTICLE 7 TERMINATION OR SUSPENSION
§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201–2017.

§ 7.1.1 If the Contract is terminated for the Owner’s convenience in accordance with Article 14 of AIA Document A201–2017, then the Owner shall pay the Contractor a termination fee as follows:

(Insert the amount of, or method for determining, the fee, if any, payable to the Contractor following a termination for the Owner’s convenience.)

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201–2017.

ARTICLE 8 MISCELLANEOUS PROVISIONS
§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201–2017 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 The Owner’s representative:

(Name, address, email address, and other information)

Brian Foster
310 13th Avenue South
Nampa, ID 83651
Telephone Number: (208) 468-4416

Email Address: fosterb@cityofnampa.us

§ 8.3 The Contractor’s representative:

(Name, address, email address, and other information)

Brad DeRose
2925 S. Cole Rd.
Boise, ID 83709
Telephone Number: 208.323.0433
§ 8.4 Neither the Owner’s nor the Contractor’s representative shall be changed without ten days’ prior notice to the other party.

§ 8.5 Insurance and Bonds
§ 8.5.1 The Owner and the Contractor shall purchase and maintain insurance as set forth in AIA Document A101™–2017, Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum, Exhibit A, Insurance and Bonds, and elsewhere in the Contract Documents.

§ 8.5.2 The Contractor shall provide bonds as set forth in AIA Document A101™–2017 Exhibit A, and elsewhere in the Contract Documents.

§ 8.6 Notice in electronic format, pursuant to Article 1 of AIA Document A201–2017, may be given in accordance with AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, if completed, or as otherwise set forth below:

(If other than in accordance with AIA Document E203–2013, insert requirements for delivering notice in electronic format such as name, title, and email address of the recipient and whether and how the system will be required to generate a read receipt for the transmission.)

§ 8.7 Other provisions:

ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS
§ 9.1 This Agreement is comprised of the following documents:
.1 AIA Document A101™–2017, Standard Form of Agreement Between Owner and Contractor
.2 AIA Document A101™–2017, Exhibit A, Insurance and Bonds
.3 AIA Document A201™–2017, General Conditions of the Contract for Construction
.4 AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below:

(Insert the date of the E203-2013 incorporated into this Agreement.)

.5 Drawings

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Refer to attached drawing index</td>
<td>January 16, 2019</td>
</tr>
</tbody>
</table>

.6 Specifications

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Date</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Refer to Project Manual table of contents</td>
<td>January 16, 2019</td>
<td>135</td>
</tr>
</tbody>
</table>

.7 Addenda, if any:

<table>
<thead>
<tr>
<th>Number</th>
<th>Date</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addendum No. 1</td>
<td>February 20, 2019</td>
<td>9</td>
</tr>
</tbody>
</table>

Portions of Addenda relating to bidding or proposal requirements are not part of the Contract Documents unless the bidding or proposal requirements are also enumerated in this Article 9.
.8 Other Exhibits:

(Check all boxes that apply and include appropriate information identifying the exhibit where required.)

[ ] AIA Document E204™–2017, Sustainable Projects Exhibit, dated as indicated below:

(Insert the date of the E204-2017 incorporated into this Agreement.)

[ ] The Sustainability Plan:

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
<th>Pages</th>
</tr>
</thead>
</table>

[X ] Supplementary and other Conditions of the Contract:

<table>
<thead>
<tr>
<th>Document</th>
<th>Title</th>
<th>Date</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplementary Conditions included in the Project Manual</td>
<td></td>
<td>January 16, 2019</td>
<td>22</td>
</tr>
</tbody>
</table>

.9 Other documents, if any, listed below:

(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201™–2017 provides that the advertisement or invitation to bid, Instructions to Bidders, sample forms, the Contractor’s bid or proposal, portions of Addenda relating to bidding or proposal requirements, and other information furnished by the Owner in anticipation of receiving bids or proposals, are not part of the Contract Documents unless enumerated in this Agreement. Any such documents should be listed here only if intended to be part of the Contract Documents.)

This Agreement entered into as of the day and year first written above.

OWNER (Signature)  
Debbie Kling, Mayor  
(Printed name and title)

CONTRACTOR (Signature)  
Brad DeRose, Service Manager  
(Printed name and title)
Additions and Deletions Report for AIA Document A101™ – 2017

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 17:48:25 ET on 02/28/2019.

PAGE 1

AGREEMENT made as of the Twentieth day of March in the year Two Thousand Nineteen

... City of Nampa
411 3rd Street South
Nampa, Idaho 83651
Telephone Number: 208.468.4416

... T.V.R., Inc.
2925 S. Cole Rd.
Boise, ID 83709
Telephone Number: 208.323.0433

... City Hall Chiller Replacement
411 3rd Street South
Nampa, ID 83651
Remove existing chiller for City Hall HVAC system and replace with new

... JGT Architecture
1212 12th Avenue South
Nampa, ID 83651
Telephone Number: 208-463-9295
Fax Number: 208-463-9299

PAGE 2

[ X ] A date set forth in a notice to proceed issued by the Owner.

PAGE 3

[ X ] Not later than Ninety (90) calendar days from the date of commencement of the Work.
§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor’s performance of the Contract. The Contract Sum shall be One Hundred Ninety-five Thousand Seven Hundred Ten Dollars and Thirty Cents ($195,710.30), subject to additions and deductions as provided in the Contract Documents.

Alternate No. 2 - Standby Pump with VFD

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowance No. 1 - Permits and Fees</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Allowance No. 2 - General Contingency</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

Two Hundred Fifty Dollars ($250.00) per day

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the Twenty-Fifth day of a month, the Owner shall make payment of the amount certified to the Contractor not later than the Tenth day of the following month. If an Application for Payment is received by the Architect after the application date fixed above, payment of the amount certified shall be made by the Owner not later than Thirty (30) days after the Architect receives the Application for Payment.

PAGE 5

5%

12.00 % per annum

PAGE 6

[X] Litigation in a court of competent jurisdiction

Brian Foster
310 13th Avenue South
Nampa, ID 83651
Telephone Number: (208) 468-4416

Email Address: fosterb@cityofnampa.us
Brad DeRose
2925 S. Cole Rd.
Boise, ID 83709
Telephone Number: 208.323.0433
Email Address: bradd@tvrinc.net

PAGE 7

Refer to attached drawing index

January 16, 2019

Refer to Project Manual table of contents

January 16, 2019

PAGE 8

Addendum No. 1

February 20, 2019

[ X ] Supplementary and other Conditions of the Contract:

Supplementary Conditions included in the Project Manual

January 16, 2019

Debbie Kling, Mayor

Brad DeRose, Service Manager
Certification of Document's Authenticity
AIA® Document D401™ – 2003

I, J. Gregory Toolson, hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 17:48:25 ET on 02/28/2019 under Order No. 8246944995 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document A101™ - 2017, Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum, as published by the AIA in its software, other than those additions and deletions shown in the associated Additions and Deletions Report.

(Signed)

(Title)

(Dated)
RESOLUTION OF INTENT TO CREATE
AND REQUEST FOR PUBLIC HEARING
UTILITY CONNECTION FEE
LOCAL IMPROVEMENT DISTRICT (LID) 163

- The City allows for payment of connection fees on existing buildings connecting to the City’s water, sewer, or irrigation using a LID.

- Engineering has 12 property owners who have made use of this mechanism to connect to City utilities as shown on attached exhibit A.

- All 12 properties voluntarily requested to be included in this LID.

- These properties have already connected to the utilities they are assessed for.

- The total dollar value of this LID is $38,995.67.

- Engineering has reviewed the requests and recommends creating the LID.

REQUEST: Council approval of Resolution of Intent to Create the LID (Exhibit B) and authorization to hold a Public Hearing on April 1, 2019, for consideration of the City’s intention to create Utility LID 163.
RESOLUTION NO. ________

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, IDAHO, FOR CITY UTILITY EXTENSIONS AND CONNECTIONS WITHIN SAID CITY; TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 163 FOR NAMPA, IDAHO, FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS TO BE LEVIED AND ASSESSED UPON THE PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DECLARING SAID IMPROVEMENTS TO BE FURTHER AND ADDITIONAL IMPROVEMENTS; STATING THE ESTIMATED TOTAL COST OF SUCH IMPROVEMENTS AND THE KIND OF CHARACTER THEREOF; FIXING A TIME IN WHICH PROTESTS AGAINST THE PROPOSED IMPROVEMENTS OF THE CREATION OF SUCH DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK; FIXING A TIME WHEN SUCH PROTESTS SHALL BE HEARD AND CONSIDERED BY THE COUNCIL; AND DIRECTING NOTICE THEREOF TO BE GIVEN.

WHEREAS, the City Council of the City of Nampa, Idaho, deems it to be in the best interests of the City to create “Local Improvement District No. 163 for City Utility Extensions and Connections” for the purpose of extending City services and making utility connections within the corporate limits of the City; and

WHEREAS, the estimated total cost of said improvements is the sum of $38,994.67;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NAMPA, IDAHO:

The City of Nampa does hereby declare its intention to extend City services and make utility connections within the corporate limits of the City of Nampa, to be known as “Local Improvement District No. 163 for City Utility Extensions and Connections”.

The City intends to extend City services and make utility connections within the corporate limits of the City at the total estimated cost of $38,994.67. Property owners will be assessed the cost of extensions and the connection fees in accordance with standard irrigation, water, and sewer hookup fee policies adopted by the City of Nampa.

Said extensions and connections are to be at various locations throughout the corporate limits of the City. All improvements are to be restricted to locations which meet the following conditions:

(1) Structures being connected to City services have had to be occupied prior to adoption of this resolution.

(2) Property owners will sign a form approved by the City Attorney which will bind them to the payment provisions of the LID.
Protests against said proposed improvements for the creating of such district may be filed in the office of the city clerk, in writing, on or before; the 1st day of April, 2019, at 5:00 p.m. At 7:00 p.m. on said day in the Council Chambers of the City Hall, 411 3rd Street South, Nampa, Idaho, such protests shall be heard and considered by the City Council. The city clerk is hereby directed to give notice of the passage of this Resolution and of the time within which protests may be filed and the date when such protests will be heard and considered by the Council and the estimated total cost thereof and shall therein refer to this Resolution on file in her office for further information in regard thereto. Said notice shall be published in the official newspaper of the City of Nampa, and a copy of such notice shall be mailed to each owner or property located with the limits of said proposed improvement district. The clerk shall cause the last publication to be made and said notice shall be mailed at least ten days before said 1st day of April, 2019, which is the date set for the expiration of filing of protests. She shall file in her office proof of publication of said notice, and shall make and file in her office an affidavit showing the mailing of such notices.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS _____
DAY OF __________________, 20__.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS _____
DAY OF __________________, 20__.

APPROVED:

BY

Mayor

ATTEST:

BY

City Clerk
<table>
<thead>
<tr>
<th>Property Address</th>
<th>Owner</th>
<th>Sewer</th>
<th>Water</th>
<th>PI</th>
<th>Amount (Total)</th>
<th>Owner Address (if different)</th>
</tr>
</thead>
<tbody>
<tr>
<td>612 1st St. S.</td>
<td>Claudia Dina</td>
<td></td>
<td></td>
<td>$2,201.00</td>
<td>$2,201.00</td>
<td>Same</td>
</tr>
<tr>
<td>1602 Southside Blvd</td>
<td>Jason Richardson</td>
<td>$2,601.00</td>
<td></td>
<td></td>
<td>$2,601.00</td>
<td>Same</td>
</tr>
<tr>
<td>2704 E. Amity</td>
<td>Arnulfo Romero</td>
<td>$2,757.00</td>
<td>$3,137.00</td>
<td></td>
<td>$5,894.00</td>
<td>Same</td>
</tr>
<tr>
<td>908 N. Middleton Rd</td>
<td>Rodney and Alice Ruter</td>
<td>$2,601.00</td>
<td></td>
<td></td>
<td>$2,601.00</td>
<td>Same</td>
</tr>
<tr>
<td>539 Lone Star Rd</td>
<td>Jared Waggoner</td>
<td>$2,601.00</td>
<td></td>
<td></td>
<td>$2,601.00</td>
<td>Same</td>
</tr>
<tr>
<td>522 Chicago St.</td>
<td>Brad and Julie Walker</td>
<td></td>
<td>$1,459.00</td>
<td></td>
<td>$1,459.00</td>
<td>Same</td>
</tr>
<tr>
<td>11325 Moss Ln</td>
<td>Mirella Zuniga Walker</td>
<td></td>
<td></td>
<td>$3,034.00</td>
<td>$3,034.00</td>
<td>Same</td>
</tr>
<tr>
<td>804 N. Midland Blvd</td>
<td>Dan Grim</td>
<td></td>
<td></td>
<td>$2,143.00</td>
<td>$2,143.00</td>
<td>Same</td>
</tr>
<tr>
<td>1205 Chicago St</td>
<td>Stephen Dibene</td>
<td>$1,250.00</td>
<td>$520.00</td>
<td></td>
<td>$1,770.00</td>
<td>Same</td>
</tr>
<tr>
<td>1202 Midland</td>
<td>Laura Marks</td>
<td>$3,034.00</td>
<td></td>
<td></td>
<td>$3,034.00</td>
<td>Same</td>
</tr>
<tr>
<td>218 N Sugar</td>
<td>Axel Segura</td>
<td>$3,034.00</td>
<td></td>
<td></td>
<td>$3,034.00</td>
<td>Same</td>
</tr>
<tr>
<td>2921 N Middleton Rd</td>
<td>Jose Alcaraz</td>
<td>$3,415.00</td>
<td>$5,207.67</td>
<td></td>
<td>$8,622.67</td>
<td>Same</td>
</tr>
</tbody>
</table>

$38,994.67
Good Afternoon Mayor Kling,

I want to thank you again for taking some time out of your day to discuss the National League of Cities (NLC) Service Line Program for the City of Nampa. I attached a copy of our Program Highlights in an informational PowerPoint Presentation format that recaps what we discussed today. I also provided a link to an educational video on our website (below) as well as some additional information that may be of interest. I have requested a copy of the Royalty Marketing Agreement which includes a wealth of information including: the scope of coverage, royalty for the City, NLC dues payment info, and the pricing for the homeowners. I should have that for you in a day or two.

Once you have a chance to review the material and discuss, please don't hesitate to let me know if you have any questions or need any additional information. I hope you have a great week and I look forward to speaking with you soon!

We are the only service line program endorsed by the National League of Cities and we would love the opportunity to begin serving the residents of Nampa!

www.utilitysp.net/video

NLC Endorsement: http://www.nlc.org/nlc-service-line-warranty-program

What city officials, contractors, and homeowners say about our program (video): https://vimeo.com/279545952

Kindest Regards,
Dennis

Dennis Lyon
Regional Area Manager

Utility Service Partners, Inc.
Administrator for the National League of Cities
Service Line Warranty Program
11 Grandview Circle, Suite 100 • Canonsburg, PA 15317

www.utilitysp.net

Cell: 412.266.8545
Service Line Warranty Program

City of Nampa

Dennis Lyon – 412-266-9545
dlyon@utilitysp.net
Recent Harris Poll results (2000 adults surveyed)

- Nearly 2 in 5 Americans don’t have the necessary funds set aside to cover a $500 repair (including almost half of millennials)
- 1 in 2 Americans describe their current state of household finances as either fair, poor, or terrible.
- 3 in 10 Americans aged 37+ cited they had no money set aside for emergency repairs.
- 46% of respondents had an emergency repair in the last 12 months.
- 80% of respondents either strongly or somewhat agreed with the statement: Local community governments should be responsible for educating homeowners about external water lines on their property that are not covered by homeowners’ insurance, the city/town or the local utility (i.e., meaning that if a problem were to occur, the homeowner would be solely responsible for the cost out of pocket).
WHY CHOOSE UTILITY SERVICE PARTNERS?

EXPERIENCE

REPUTATION

PARTNERSHIP

This award underscores one of the primary reasons the National League of Cities selected USP as a partner and extended our agreement for another five years. The organization's exemplary record of customer service and transparency is what has driven the success of this partnership over the years.

— Clarence Anthony, Executive Director
National League of Cities
SERVICE LINE WARRANTY PROGRAM

PROGRAM BENEFITS

• Helps address the public policy issue of aging infrastructure

• No cost for the Municipality to participate/Turnkey approach

• Ongoing Revenue Stream & NLC dues payment for the Municipality

• Free Public Awareness Campaign

• Educates homeowners about their lateral line responsibilities

• Peace of Mind - with one toll-free call a reputable contractor is dispatched

• All repairs performed to code by local licensed contractors

• Contractors undergo rigorous vetting process to ensure quality service
Our Service and What It Covers

Homeowner repair protection for broken, cracked, or leaking water and sewer lines from the point of utility connection to the home exterior.

Coverage includes:

- Educating homeowners about their service line responsibilities
- Up to $8,500 coverage per repair incident (includes public street & sidewalk cutting).
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- No long term contracts – month to month
- No pre-inspections required before coverage begins – 30 day waiting period
OUR SERVICE AND WHAT IT COVERS

HOMEOWNER REPAIR PROTECTION FOR IN-HOME WATER SUPPLY LINES AND IN-HOME SEWER LINES AND ALL DRAIN LINES CONNECTED TO THE MAIN SEWER STACK THAT ARE BROKEN OR LEAKING INSIDE THE HOME AFTER THE POINT OF ENTRY.

Coverage includes:

- Up to $3,000 coverage per repair incident
- Includes coverage for broken or leaking water, sewer, or drain lines under the slab or basement floor
- Repair of clogged toilets
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- No long term contracts – month to month
- No pre-inspections required before coverage begins – 30 day waiting period
Incremental Revenue Stream

- City receives $0.50 per month per paid warranty agreement
  - Paid as royalty each January

- Yours to use as you wish
  - Examples:
    - Low income utility assistance program
    - Offset water bill/leak
    - Donate to charity
    - Use towards NLC/State League dues

- Can decline revenue
  - Savings passed directly to residents
MARKETING APPROACH

- Only market by direct mail - no door to door or telemarketing
- Limited to 3 mailing campaigns per year
- Would never mail without your review and approval of marketing material before each and every campaign
- Marketing clearly states city does not provide program
- Participation always voluntary for the homeowner
- City role: logo & signature
  - Economy of scale

Consumers can enroll one of three ways:

- Calling into our toll free number that is provided on the mailing
- Returning the bottom of the letter to us in the self addressed stamped envelope provided
- Visiting our consumer website www.slwofa.com at any time
OVER 600 MUNICIPAL PARTNERS IN 39 STATES

Alabama  Louisiana  Oklahoma
Arkansas  Maryland  Oregon
Arizona  Michigan  Pennsylvania
California  Minnesota  South Carolina
Colorado  Mississippi  South Dakota
Connecticut  Missouri  Tennessee
Florida  Montana  Texas
Georgia  North Carolina  Utah
Iowa  Nebraska  Virginia
Illinois  New Jersey  Washington
Indiana  New Mexico  West Virginia
Kansas  Nevada  Wisconsin
Kentucky  Ohio  Wyoming
Service Line Warranty Program

PROGRAM SUCCESS & NOTES

- Endorsement ≠ Exclusivity
- Currently serving over 3.7 million customers
- Saved customers over $394 million in repair costs over the past 3 years
- 97% claim approval rating
- 99.6% claims satisfaction rate
- 82.5% customer retention rate
- Currently over 1,300 contractors in network
- 9 of every 10 customers surveyed have recommended the program to friends, family, and neighbors
Q&A
MARKETING AGREEMENT

This MARKETING AGREEMENT ("Agreement") is entered into as of ___________, 20__, ("Effective Date"), by and between the City of Nampa, Idaho ("City"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("Company"), herein collectively referred to singularly as "Party" and collectively as the "Parties".

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City ("Residential Property Owner"); and

WHEREAS, City desires to offer Residential Property Owners the opportunity, but not the obligation, to purchase a service line warranty and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a 'Product' and collectively, the "Products"); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Residential Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. Purpose. City hereby grants to Company the right to offer and market the Products to Residential Property Owners subject to the terms and conditions herein.

2. Grant of License. City hereby grants to Company a non-exclusive license ("License") to use City's name and logo on letterhead, bills and marketing materials to be sent to Residential Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. City agrees that it will not extend a similar license to any competitor of Company during the Term and any Renewal Term of this Agreement.

3. Term. The term of this Agreement ("Term") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms ("Renewal Term") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this
Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. Company will be permitted to complete any marketing initiative initiated or planned prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. **Consideration.**
   A. As consideration for such license, Company will pay to City a License Fee as set forth in Exhibit A ("License Fee") during the term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term and any Renewal Term, due and payable on January 30th of the succeeding year. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

   B. In addition to the License Fees set forth in this Section, Company shall pay City a National League of Cities membership allowance ("NLC Allowance") as set forth on Exhibit A. Company will pay City Allowances within thirty (30) days after the date such NLC Allowance becomes payable.

5. **Indemnification.** Company hereby agrees to protect, indemnify, and hold the City, its elected officials, officers, employees and agents (collectively or individually, "Indemnitee") harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, "Claim"), which an Indemnitee may suffer or which may be sought against or are recovered or obtainable from an Indemnitee, as a result of or arising out of any breach of this Agreement by the Company, or any negligent or fraudulent act or omission of the Company or its officers, employees, contractors, subcontractors, or agents in the performance of services under the Products; provided that the applicable Indemnitee notifies Company of any such Claim within a time that does not prejudice the ability of Company to defend against such Claim. Any Indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

6. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

   **To:**  
   City:  
   ATTN: Debbie Kling  
   City of Nampa  
   411 3rd St. S.
To: Company:
   ATTN: Chief Sales Officer
   Utility Service Partners Private Label, Inc.
   11 Grandview Circle, Suite 100
   Canonsburg, PA 15317
   Phone: (866) 974-4801

7. **Modifications or Amendments/Entire Agreement.** Any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that Party.

8. **Assignment.** This Agreement and the License granted herein may not be assigned by Company other than to an affiliate or an acquirer of all or substantially all of its assets, without the prior written consent of the City, such consent not to be unreasonably withheld.

9. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

10. **Choice of Law/Attorney Fees.** The governing law shall be the laws of the State of Idaho. In the event that at any time during the Term or any Renewal Term either Party institutes any action or proceeding against the other relating to the provisions of this Agreement or any default hereunder, then the unsuccessful Party shall be responsible for the reasonable expenses of such action including reasonable attorney's fees, incurred therein by the successful Party.

11. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

CITY OF NAMPA

______________________________
Name: 
Title: 

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

______________________________
Name: Michael Backus
Title: Chief Sales Officer
Exhibit A
NLC Service Line Warranty Program
City of Nampa
Term Sheet

I. Initial Term. Three years

II. License Fee. $0.50 per Product for each month that a Product is in force for a Residential Property Owner (and for which payment is received by Company), aggregated and paid annually, for:
   a. City logo on letterhead, advertising, billing, and marketing materials
   b. Signature by City official

III. NLC Allowance. $20,691.00 spread across the first three years of the Term, as follows:
   a. Year 1 - $6,897.00
   b. Year 2 - $6,897.00
   c. Year 3 - $6,897.00
Payment of the NLC Allowance for the first Year is subject to the approval and mailing of the first campaign for that year. In subsequent years, payment of the NLC Allowance is subject to City’s timely approval of all other marketing materials for the prior year and the approval and mailing of the first campaign of the current contract year.

IV. Products.
   a. External water service line warranty (initially, $7.75 per month)
   b. External sewer/septic line warranty (initially, $5.75 per month)
   c. Interior plumbing and drainage warranty (initially, $9.99 per month)
Company may adjust the foregoing Product fees; provided, that any such adjustment shall not exceed $.50 per month in any 12-month period, unless otherwise agreed by the Parties in writing.

V. Scope of Coverage.
   a. External water service line warranty:
      - Homeowner responsibility: From the curb stop to the external wall of the home.
      - Covers thawing of frozen external water lines.
      - Covers well service lines if applicable.
   b. External sewer/septic line warranty:
      - Homeowner responsibility: From the exit point of the home to the main.
      - Covers septic lines if applicable.
   c. Interior plumbing and drainage warranty:
      - Water supply pipes and drainage pipes within the interior of the home.

VI. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per
year, comprised of up to six mailings and such other channels as may be mutually agreed. Initially, Company anticipates offering the Interior plumbing and drainage warranty Product via in-bound channels only.
PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 18 MARCH 2019

PUBLIC HEARING ITEM
STAFF REPORT

Analyst: Doug Critchfield, Senior Planner
Applicant(s)/Representative(s): Mark Tate of M3 Companies, LLC
File(s): ANN-00108-2018
Project Name/Type: Summit Ridge Subdivision
(245 single-family residential lots, 1 commercial lot & 14 common lots)

Requested/Needful Action Approval(s)/Recommendation(s):

1. Annexation and Zoning Assignment of 92.72 acres of Land to RS 6 and 2.44 acres of Land to BC
   (Decision Required: Decision)

   Pertaining to:
   A 95.16-acre portion of land addressed on the south side of W Greenhurst Road between S. Midland Boulevard and S. Middleton Road in N ½ of the NE ¼ of Section 5, T2N, R2W, BM, Canyon County, Nampa (hereinafter the “Property”);

History:
The Nampa Planning and Zoning Commission, during their regularly scheduled public meeting of February 12, 2019, voted to recommend to City Council that they approve the above referenced annexation and zoning assignment request. The Commission subsequently voted to approve the associated preliminary plat request captioned above. The Commission made their approval of the plat contingent on Developer/Development compliance with the following Conditions of Approval:

1. Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

   a. A COMPASS Communities in Motion Development Review (1 page – copy hereto attached).
b. A December 31, 2018 memorandum from the Nampa Building Department authored by Neil Jones (2 pages – copy hereto attached); and,

c. A January 04, 2019 email printout from Nampa Parks and Recreation Department, authored by Cody Swander (1 page – copy hereto attached); and,

d. A January 30, 2019 letter from Century Link, authored by Greg Hunt (1 page – copy hereto attached); and,

e. A January 30, 2019 memorandum from Nampa Engineering Division, GIS Section, authored by Alex Main (1 page – copy hereto attached); and,

f. A January 31, 2019 email printout from Nampa Forestry Department, authored by Carolynn Murray (1 page – copy hereto attached); and

g. A January 31, 2019 letter from Boise Project Board of Control, authored by Thomas Ritthaler (3 pages – copy hereto attached); and,

h. A February 1, 2019 memorandum from Nampa Engineering Division, GIS Section, authored by Alex Main (1 page – copy hereto attached); and,

i. A February 12, 2019 memorandum from Nampa Engineering Division, authored by Daniel Badger (1 Page – copy hereto attached)

2. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,

3. Prior to filing for a final plat approval for any portion of the Project, the Developer’s engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City; and,

4. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council...

ANNEXATION/[RE]ZONING CONCLUSIONS OF LAW

10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted Comprehensive Plan for the neighborhood.
ANNEXATION/[RE]ZONING FINDINGS OF FACT

(PERTAINING TO THE PROPOSED ANNEATTON OF THE PROPERTY):

Zoning: Regarding Applicant’s Zoning Map Amendment Request (to RS6 and BC) Staff finds:

1. **Current Jurisdiction/Status:**
   That the Property is currently within Nampa City’s Impact Area, is adjacent to lands within the incorporated limits of the City of Nampa and the Nampa Area of City Impact, and, is either owned or optioned by the Applicant or that the Applicant has the Property owner’s permission to apply for the entitlement and plat applications made the subject of this report; and,

2. **Current and Surrounding Zoning:**
   That the Property is presently under County jurisdiction; that City RS7 zoned land, already developed, lies to the north of, and abutting, the proposed Project; that land in the City, zoned RS6 abuts the eastern end/side of the Property. County land(s) abuts the Property on its western and southern side -- see the attached Vicinity Map; and,

3. **Immediately Surrounding Land Uses:**
   That rural residential, open land and suburban single-family residential land uses surround or lie near the Property; and,

4. **Proposed Zoning:**
   That the proposed RS6 district, “...is intended for low density, urban single-family residential and compatible uses. A stable and healthful environment, together with the full range of urban services, makes this an important land use district within the community”; and,

   That the proposed BC district “...is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares”; and,

5. **Reasonable:**
   That it may be variously argued that consideration for annexing the Property is reasonable given that: a) the City has received an application to annex the Property by amending its official zoning map by the Property owner or an Applicant having a valid, legal interest in the same; and, b) annexation and zoning assignment is a legally recognized legislative act long sanctioned under American administrative law; and, c) that the Applicant intends to develop all or a portion of the Property; and, d) City utility services are, or may be made, available to the Property; and, e) emergency services are available to the Property; and, f) that the Property abuts City land zoned for residential (RS) subdivision development; and, g) land uses in the nearby area, and, more particularly site development both suggest that RS6 zoning would be an acceptable fit for the area (other properties) given that RS6 zoning was already approved for the properties to the east and RS7 for the north of the Property; and, h) BC zoning on the corner of W Greenhurst Rd. and S Midland Blvd. provides opportunities for commercial...
business to service the immediate area given the long distance between this and adjacent properties to other business entities.

6. Public Interest:
That Nampa has determined that it is in the public interest to provide residential-housing opportunities for its citizens and the current real estate market is pressing a need for additional housing inventory/product; and,

7. Promotion of Zoning Purpose(s):
That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our zoning regulations, therefore, are standards governing residential development which appertain to allowable land uses, building setbacks, building aesthetics, provision of parking and service drives, property landscaping, etc. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the BC and RS6 Zone’s already adopted regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.); and,

8. Comprehensive Plan:
That the Property is positioned in a “Low Density Residential” (LDR) “setting” per the Future Land Use Map associated with the City’s adopted Comprehensive Plan. Said setting sanctions buildout of residential subdivisions with net density yields of less than 3.99 dwelling units/acre. The Development proposes a density of 2.57 dwelling units per acre; and,

9. Services:
That utility and emergency services are, or can be made, available to the Property...

Note(s):
The preceding general statements are offered as possible [preliminary] findings and are not intended to be all inclusive or inarguable. They are/were simply provided to the Commission in case the requested entitlement is considered for positive referral to the Council. In the event the of an opposite course, then negative findings may be adopted by the City Council.
In summary, the Property may be annexed and zoned RS6 (on/over 92.72 acres) and BC (on/over 2.44 acres), but nothing forced the Commission to so recommend to the Council. Given the findings noted above, however, RS6 and BC zoning is certainly an “entertainable” zone and recommended for imposition on/over the Property...

Further, note that:
Agency/City department comments have been received regarding both the entitlement requests and platting approval request associated with this matter [and report].

COUNCIL FYI ONLY
FINDINGS OF FACT & NOTES
REGARDING PLAT
Plat review was done to analyze the Project's compliance to code in the context of this Project having already been, theoretically, annexed and zoned.

**Overall Site Area:** 95.16 acres

- Total, Proposed RS6 Lot Count: 245
- Total Common Lot Count: 14
- Total Commercial Lot Count: 1
- Total Building Lot Count: 246

**Regarding “RS6 Building Lots”:**
- Min. Allowed RS6 Bldg. Lot Size: 6,000 sq. ft.
- Min. Proposed RS6 Bldg. Lot Size: 6,000 sq. ft.
- Min. Allowed Avg. RS6 Bldg. Lot Size: 8,000 sq. ft.

**Periphery Compatibility Applicability**

- Lots that abut the RS7 zone lots to the north are equal or greater in size.
- Lots that abut RS6 zone lots to the east are equal to greater in size.
- Lots that abut the rural residential and open space parcels to the southwest are ½ acre or larger in size.

**Min. Req. St. Frontage RS6 Zone:**
- 22’ on public or approved private street or an approved common drive;

**Min. Allowed RS6 (or “Master”) Bldg. Lot Widths:**
- 50’ @ the 20’ front setback mark;

**Min. Allowed RS6 Bldg. Mean Lot Depths:**
- 60’

**Plat Development Data/Notes:** Per plat sheets

---

**ABBREVIATED FINDINGS OF FACT & NOTES REGARDING PLAT**

Regarding the plat, Zoning Staff finds:

1. **Minimum Lot Areas:**
   That because the proposed Development is slated for development in conjunction with RS6 zoning, this requirement applies...all building lots meet or exceed 6,000 sq. ft. in area (the smallest building lot is 6,000 sq. ft. in area); therefore, the Plat is deemed compliant in this regard; and,

2. **Average Lot Size:**
   That because the proposed Development is slated for development in conjunction with RS6 zoning, this requirement applies...all building lots meet or exceed an average of 8,000 sq. ft. in area (the average building lot is 9,781 sq. ft. in area); therefore, the Plat is deemed compliant in this regard; and,
3. **Lot Compatibility:**
   That because the proposed Development is slated for development in conjunction with RS6 zoning, this requirement applies...; Lots that abut the RS7 zone lots to the north are equal or greater in size. Lots that abut RS6 zone lots to the east are equal to greater in size. Lots that abut the rural residential and open space parcels to the southwest are ½ acre or larger in size, therefore, the Plat is deemed compliant in this regard; and,

4. **Lot Width:**
   All standard detached housing building lots demonstrate required lot width; therefore, the Project is deemed compliant in this regard; and,

5. **Lot Depth:**
   All standard detached housing building lots demonstrate required lot depth; therefore, the Project is deemed compliant in this regard; and,

6. **Right-Of-Way Dedication(s)/Improvements:**
   As needful along W Greenhurst Rd and S Midland Blvd per City...see City Engineering comments; and,

7. **Landscaping:**
   A landscape plan was submitted with the application paperwork. It appears acceptable caveated on substitution of different tree type than October Glory Maple based on the City Forester’s comments hereto attached; and,

8. **Path/Trailway(s):**
   Required 10’ sidewalks on Greenhurst Rd and Midland Blvd per City...see City Parks and Recreation comments hereto attached; and,

9. **Misc./Correspondence:**
   Any correspondence from agencies or the citizenry regarding the plat received by noon, November 21, 2018 is hereafter attached to this report. (Agency comments are usually geared towards recommending conditions for the Project should it be approved.)

---

**RECOMMENDED CONDITIONS OF APPROVAL**

**As Pertaining to the Annexation/Zoning Entitlement Request:**

N/A at the time of this report's publication...a Development Agreement may be required, especially if Council wishes to regulate (generally) site design, dwelling unit density, building aesthetics or location placement above and beyond what the RS6 and BC Zone prescribes [and in reaction to future, possible, building construction on the Property]; however, Staff finds no reason, in this instance, to recommend that course of action.

---

**ATTACHMENTS**

- Copy of Application for Annexation/Zoning (page/Exhibit 8)
- Copy of zoning vicinity map (page/Exhibit 9)
• Copy of Boundary Description BC Zone (page/Exhibit 10)
• Copy of Boundary Description RS6 Zone (pages/Exhibits 11-12)
• Copy of Summit Ridge Subdivision Existing grading and Plat Maps (reduced from original) (pages/Exhibits 13-16)
• Copy of [any] inter-departmental/agency/citizen correspondence (pages/Exhibits 17+)
APPLICATION FOR ANNEXATION

APPLICANT FOR ANNEXATION
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $452.00 (1 acre or less) Nonrefundable Fee: $910.00 (more than 1 acre)

Applicant Name: M3 Companies, Mark Tate
Street Address: 1087 W River Street, Suite 310
City: Boise  State: ID  Zip code: 83702
Home Number: 208-939-6263
Mobile Number:
Email: mtate@m3companiesllc.com

Property Owner Name: Verheyen, Inc.
Street Address: 4075 N La Fontana Way
City: Boise  State: ID  Zip code: 83702

Applicant's interest in property: ( ) Own  ( ) Rent  (x) Other

ADDRESS OF SUBJECT PROPERTY: 1009 W Greenhurst Rd, Nampa

Please provide the following required documentation
☑ Completed Application
☑ A copy of one of the following: ☑ Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
☑ Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner
(If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that
the person signing is an authorized agent)
☑ Original Legal description of property AND a legible WORD formatted document with Closure Calcs (Must
have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description
☑ State the zoning desired for the subject property: RS-6 & BC
☑ State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for
the use of the subject property: Annexation into the city limits of Nampa is requested to develop a single-family
residential subdivision with a small portion on the northeast corner reserved for a commercial use.

Dated this 7th day of December, 2018

 applicant's signature

NOTICE TO APPLICANT
This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The
Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City
Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-
Tribune 15 days prior to said hearings. Notice shall also be posted on the premises of the subject property not less than 1
week prior to the hearings. Notices will also be mailed to property owners or purchasers of record within 300 feet of the
subject property. You will be given notice of the public hearings and should be present to answer any questions.

OFFICE USE ONLY

FILE NUMBER: ANN - 00108 - 20 18  PROJECT NAME: DNNE4 RS.4 + BC

12/11/13 Revised
0 and 1009 W Greenhurst Rd
Annexation and Zoning
to RS 6 Zone (92.27 acres)
and BC Zone (2.44 acres) for
Summit Ridge Subdivision

ANN-00108-2018  2/21/2019
For illustrative purposes only.
Boundary Description
Zoning
BC Community Business

Project Number 10-18-099    November 14, 2018

A parcel of land situated in Government Lot 2 of Section 5, Township 2 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho, and being more particularly described as follows:

BEGINNING at the northeast corner of said Section 5, from which the north quarter corner of said Section, bears North 89°03'10" West, 2639.96 feet;

THENCE South 00°59'21" West along the easterly boundary of said Lot 2 and the centerline of South Midland Boulevard, a distance of 492.39 feet;

THENCE North 89°00'39" West, a distance of 50.00 feet to a point on the proposed westerly Right-of-Way of South Midland Boulevard;

THENCE North 89°00'38" West, a distance of 64.25 feet;

THENCE North 19°35'52" West, a distance of 180.21 feet;

THENCE North 24°27'44" West, a distance of 302.86 feet to a point on the proposed southerly Right-of-Way of Greenhurst Road;

THENCE North 00°56'50" East, a distance of 50.00 feet to a point on the northerly boundary of said Lot 2;

THENCE South 89°03'10" East along said northerly boundary, a distance of 307.80 feet to the POINT OF BEGINNING.

The above described parcel contains 2.44 acres, more or less, and is subject to easements, covenants and restrictions of record.
Boundary Description
Zoning
RS6 – Single Family Residential (6,000 s.f. minimum lot size)

Project Number 10-18-099  November 14, 2018

A parcel of land situated in Government Lots 1 & 2 of Section 5, Township 2 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho, and being more particularly described as follows:

Commencing at the northeast corner of said Section 5, from which the north quarter corner of said Section bears North 89°03′10″ West – 2639.96 feet;
THENCE South 00°59′21″ West along the east boundary of said Lot 2 and along the centerline of South Midland Boulevard, a distance of 492.39 feet to the POINT OF BEGINNING;

THENCE continuing South 00°59′21″ West along said line, a distance of 1,085.28 feet to the southeast corner of said Lot 2;
THENCE North 89°18′58″ West along the southerly boundary of said Lots, a distance of 2,649.72 feet to the southwest corner of said Lot 1;
THENCE North 01°20′23″ East along the westerly boundary of said Lot 1, a distance of 1,589.89 feet to the northwest corner of said Lot 1 and being a point on the centerline of Greenhurst Road;
THENCE South 89°03′10″ East along the northerly boundary of said Lots and along said centerline, a distance of 2,332.16 feet;
THENCE South 00°56′50″ West, a distance of 50.00 feet to a point on the proposed southerly Right-of-Way of Greenhurst Road;
THENCE South 24°27′44″ East, a distance of 302.86 feet;
THENCE South 19°35′52″ East, a distance of 180.21 feet;
THENCE South 89°00′38″ East, a distance of 64.25 feet to a point on the proposed westerly Right-of-Way of South Midland Boulevard;
THENCE South 89°00′39″ East, a distance of 50.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM

A parcel of land situated in Government Lot 2 of Section 5, Township 2 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho, and being more particularly described as follows:

Commencing at the northeast corner of said Section 5, from which the north quarter corner of said Section 5 bears North 89°03′10″ West – 2639.96 feet;

THENCE North 89°03′10″ West along the north boundary of said Lots 1 and 2, a distance of 1,682.82 feet;
THENCE South 02°13′22″ West, a distance of 784.48 feet to the POINT OF BEGINNING;
THENCE continuing South 02°13'22" West along said line, a distance of 311.93 feet to a point on the northerly Right-of-Way of Thacker Lateral;
THENCE North 44°02'03" West along said Right-of-Way, a distance of 132.51 feet;
THENCE South 89°56'10" West along said Right-of-Way, a distance of 81.55 feet;
THENCE North 02°13'22" East, a distance of 223.56 feet;
THENCE South 87°46'42" East, a distance of 177.22 feet to the POINT OF BEGINNING.

The above described parcel contains 92.72 acres, more or less, and is subject to easements, covenants and restrictions of record.
Communities in Motion 2040 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 goals.

Development Name: Summit Ridge (SPP-00037-2018)  
Agency: Nampa

CIM Vision Category: Future Neighborhoods

<table>
<thead>
<tr>
<th>New households: 245</th>
<th>New jobs: ±25</th>
<th>Exceeds CIM forecast: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIM Corridor: N/A</td>
<td>Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.</td>
<td></td>
</tr>
<tr>
<td>Pedestrian level of stress: R-Greenhurst</td>
<td>A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.</td>
<td></td>
</tr>
<tr>
<td>Bicycle level of stress: R-Greenhurst</td>
<td>Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.</td>
<td></td>
</tr>
<tr>
<td>Housing within 1 mile: 2,570</td>
<td>Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.</td>
<td></td>
</tr>
<tr>
<td>Jobs within 1 mile: 520</td>
<td>Nearest police station: 3.9 miles</td>
<td>Nearest fire station: 1.9 miles</td>
</tr>
<tr>
<td>Jobs/Housing Ratio: 0.2</td>
<td>Nearest bus stop: 2.2 miles</td>
<td>Nearest public school: 0.8 miles</td>
</tr>
<tr>
<td></td>
<td>Nearest public park: 1.2 miles</td>
<td>Nearest grocery store: 1.4 miles</td>
</tr>
<tr>
<td></td>
<td>Farmland consumed: Yes</td>
<td>Farmland within 1 mile: 503 acres</td>
</tr>
</tbody>
</table>

| Recommendations |

The proposal is on the fringe or urban development in an area removed from employment centers and existing public transportation. The closest transit services are located more than two miles away and there are no plans for future service at this location. The proposal is a mix of residential and retail, which can mitigate congestion by encouraging localized walk and bicycle trips. Sidewalks and bicycle lanes along the south side of Greenhurst Road are essential for safe access to South Junior High School. Consider a stub road to the south for future connectivity and encourage non-motorized connections to the commercial uses.

The Lake Lowell Area Bicycle and Pedestrian Access Plan encourages safe connectivity from the cities of Nampa and Caldwell to the Lake Lowell area. Greenhurst Road and Midland Road are identified as shared-use paths. More information is available at: https://flh.fhwa.dot.gov/programs/flpp/studies/lake-lowell-access-plan.htm

More information about COMPASS and Communities in Motion 2040:
Web: www.compassidaho.org
Email info@compassidaho.org
Building Department will require a top of foundation wall or finish floor elevation on the construction drawings, with the final plat. The Building Department has no conditions on the annexation.
1) Annexation application for 95.16 acres and RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning for 92.72 acres and BC (Community Business) zoning for 2.44 acres for property located at the southwest corner of W Greenhurst Rd and S Midland Blvd.

2) Preliminary Plat application for Summit Ridge Subdivision located at the southwest corner of W Greenhurst Rd and S Midland Blvd, for 260 (245 residential, 1 commercial and 14 common) lots on 95.16 acres.

The Annexation and Preliminary Plat applications will go before the Planning and Zoning Commission as public hearing items on their February 12, 2019 Agenda.

Please review and forward any comments to my attention (mackrill@cityofnampa.us) prior to February 1, 2019.

Thank you,

Sylvia Mackrill - Planning and Zoning Department
O: 208.468.4584, F: 208.468.4539
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
Sylvia Mackrill

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, January 02, 2019 7:52 AM
To: Sylvia Mackrill
Subject: RE: ANN-00108-2018 and SPP-00037-2018 Annexation and RS-6 and BC zoning for Summit Ridge Subdivision Preliminary Plat

Good Morning Sylvia,

Nampa Highway District #1 has no objection to the annexation and Preliminary Plat Approval for the Summit Ridge Subdivision on the southwest corner of Midland Blvd. and Greenhurst Rd subject to the MOU, General Cooperation of Planning and Zoning, Annexation, Development and Maintenance Activities development agreement that was signed by the Nampa Highway District #1 on 11-29-16. If you have any questions or comments feel free to contact me.

Thank you,

Eddy

---

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

---

From: Sylvia Mackrill [mailto:mackrill@cityofnampa.us]
Sent: Monday, December 31, 2018 9:43 AM
To: Addressing; Beth Ineck; bob.parsons@phd3.idaho.gov; Bobby Sanchez; bocc@canyonco.org; Brent Hoskins; Canyon Highway District No. 4 (chopper@canyonhd4.org); Carl Miller - Compass of Idaho (cmiller@compassidaho.org); Chanee Grant; Cody Swander; Daniel Badger; deerflat@fws.gov; Don Barr; Doug Critchfield; Eddy Thiel; Elijah Effinger; Eric Shannon; gwiles@nampachristianschools.com; Jared Bryan; Jason Kimball; Jay Young; Jeff Barnes; jenny.titus@vallivue.org; jessica.mansell@intgas.com; Jim Brooks; Ken Couch - Idaho Transportation Dept, District 3 (D3Development.Services@itd.idaho.gov); Ken Keene; Kent Lovelace; kfunke@idahopower.com; lbishop@idahopower.com; mark@pioneerirrigation.com; Melissa Close; monica.taylor@intgas.com; Neil Jones; Nick Lehman; nmid@nmid.org; nre.easement@centurylink.com; Patrick Sullivan; Phillip Roberts; pnilsson@canyonco.org; Ray Rice; rdewey@nsd131.org; Reggie Edwards; Richard Davies; Soyla Reyna; Tammy Wallen; Tom Points; UCC ben melody; vcharles@idahopower.com
Subject: ANN-00108-2018 and SPP-00037-2018 Annexation and RS-6 and BC zoning for Summit Ridge Subdivision Preliminary Plat

J-U-B Engineers, representing Mark Tate with M3 Companies, LLC, has submitted:

1. Annexation application for 95.16 acres and RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning for 92.72 acres and BC (Community Business) zoning for 2.44 acres for property located at the southwest corner of W Greenhurst Rd and S Midland Blvd.
Hi Shellie,

Nampa Parks has reviewed the preliminary plat for Summit Ridge Subdivision Project: SPP-00037-2018. We request that this development include sidewalks that are widened to a minimum of 10 feet along both W. Greenhurst Road and S. Midland Boulevard. This widened sidewalk will satisfy the “urban connector” city proposed pathway that is indicated on the City of Nampa Pathway Master Plan.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
January 7, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: ANN-00108-2018/ Summit Ridge Subdivision

Norm,

Nampa & Meridian Irrigation District (NMID) has no comment on the above referenced application as it lies outside of our district boundaries. Please contact Thomas Ritthaler, Boise Project- Board of Control, at 208-344-1141 or 2465 Overland Road Room 202 Boise, ID 83705-3173.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District
DTD/ gnf

Cc: Office/ file
    B. Carter, Board of Control
January 15, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651


Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above referenced application as it lies outside of our district boundaries. Please contact Thomas Ritthaler, Boise Project-Board of Control, at 208-344-1141 or 2465 Overland Road Room 202 Boise, ID 83705-3173.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District
DTD/ guf

Cc:
Office/ file
B. Carter, Board of Control
1/30/19

Sylvia Mackrill
City of Nampa Planning & Zoning
via email: mackrill@cityofnampa.us

SUBJECT: SPP-00038-2018 - Preliminary Plat Review of Kinghorn Place Subdivision
ANN-00111-2018 - Annexation Application

APN: R3435601200 & R3435600000

Re: Preliminary Plat Review of Kinghorn Place Subdivision, lying within the Southeast Quarter of Section 33, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the subject plat and has determined that it can approve the preliminary plat. There are existing CenturyLink facilities along Northside Boulevard.

It is the intent and understanding of CenturyLink that this approval shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This plat review response is approved.

If CenturyLink facilities need to be relocated, the Owner will be required to grant any necessary easement rights to CenturyLink for the relocate, which will be at the expense of the Applicant. All relocation work will be performed by CenturyLink and/or its contractor.

If you have questions or concerns, please call Kerry Brent at 208-550-0284.

Sincerely,

Greg Hunt
Right of Way Agent
Qwest Corporation d/b/a CENTURYLINK QC

Leasenet #: P811672
January 30, 2019

RE: Summit Ridge Subdivision - Preliminary Plat

To: Kristi Watkins

cc: Sylvia Mackrill

The following changes must be made prior to submitting for signatures:

- Propose new, unique street names for S Serac Ave, W Pinnacle Dr, W Pinnacle Ct, W Zenith Dr, W Zenith Ct, S Crest Ct, W Mesa Dr, and W Bluff Dr to the Engineering Division. Per Canyon County Code 06-05-13 (1) There shall be no duplication of street names by sound or spelling within Canyon County including within the incorporated areas. Refer to Street Naming and Addressing Policy in the Engineering Process and Policy Manual (rev 9/2012).
  - S Serac Ave should be S (New Name) Way
  - W Pinnacle Dr should be W (New Name) St
  - W Zenith Dr should be W (New Name) St
  - S Crest Ct should be S (New Name) Pl
- S Cordillera Ave should be S Cordillera Way
- W Crescendo Dr should be W Crescendo St

Sincerely,

Alex Main
GIS Tech I
Engineering Division
City of Nampa
(208) 468-5475
Sylvia Mackrill

From: Carolynn Murray
Sent: Thursday, January 31, 2019 11:02 AM
To: Sylvia Mackrill
Subject: Projects - SPP-0037-2018 and ANN-00108-2018

Sylvia,

After reviewing, the Forester made the following comments regarding the project's tree listing:

The October Glory Maple on the plans is not permitted due to its susceptibility to Cottony Maple Scale and to our PH being too high for this species. Replacement is inevitable in the near future. Choose another variety.

Carolynn Murray
Administrative Coordinator
O: 208.468.5890, C: 208.371.4877

Nampa Parks – Facebook Page

Celebrating Nampa's 20th year as a Tree City USA recipient!!!

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
Nampa Planning and Zoning Department
411 3rd Street South
Nampa, Idaho 83651

RE: Summit Ridge Subdivision
Southwest corner of Grenhurst and S. Midland
Boise-Kuna Irrigation District
Thacker Lateral 138+90
Robinson Lateral 169+00
Sec. 31, T3N, R2W, BM.

Norman L Holm, Planning Director:

The United States' Thacker lateral and Robinson Lateral lie within the boundary of the above-mentioned location. The easement for these laterals is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain these laterals. We assert the federal easement 20 feet west and 25 feet east of the Thacker Lateral's centerline and 20 feet south and southwest of and 25 feet north and northeast of the Robinson Lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping (other than grass or gravel) within its easements, as this will certainly increase our cost of maintenance. All easements must remain a flat drivable surface.

Fencing (as may be required) must be constructed just off the canal easement, to insure public safety and prevent encroachments.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.
Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must get the proper crossing agreements from the Bureau of Reclamation. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15th of each year. However, on a case by case basis, overhead utilities and utilities boring underneath a Project facility may be allowed after March 15th if reviewed and approved by the Boise Project.

The piping and relocation of any Lateral, Canal and/or Drain must be reviewed and approved by the Project and is (to include all appurtenant boxes and/or structures) and must be warranted by the landowner for a period of (5) five-years. The Warrantee Agreement must be secured prior to ANY disturbance of that facility.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

Should there be any small (neighborhood) irrigation ditches on this site, the developers and/or landowners will be obligated to protect them and allow water to pass to downstream neighbors.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a copy of the irrigation and drainage plans.
Whereas this property lies within the Boise-Kuna Irrigation District it is important that representatives of this development contact the BKID office as soon as possible to discuss a pressure system prior to any costly design work. If applicable, the irrigation system will have to be built to specific specifications as set by the District / Project.

Boise Project Board of Control must receive a written response from the Boise-Kuna Irrigation District as to who will own and operate the pressure irrigation system prior to review and approval of an irrigation plan by Boise Project Board of Control.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statues, Title 42-1209.

Future preliminary and final plats must call out the Project easements and the plats must also note, which lots have surface irrigation water rights and which lots do not.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

Thomas Ritthaler
Assistant Project Manager

tbr/fr

cc: Ray Moore Watermaster, Div; 3 BPBC
    Lauren Boehlke Secretary – Treasurer, BKID
    File
February 1, 2019

RE: Summit Ridge Subdivision - Preliminary Plat Revision

To: Kristi Watkins

cc: Sylvia Mackrill

The following changes must be made prior to submitting for signatures:

- Propose new, unique street names for W Peak Dr to the Engineering Division. Per Canyon County Code 06-05-13 (1) There shall be no duplication of street names by sound or spelling within Canyon County including within the incorporated areas. Refer to Street Naming and Addressing Policy in the Engineering Process and Policy Manual (rev 9/2012).

Sincerely,

Alex Main
GIS Tech I
Engineering Division
City of Nampa
(208) 468-5475
Kristi,

A new preliminary plat submission will not be necessary. These are changes that will need to be made before the final plat can be approved. If these changes are reflected in the final plat submissions, it will speed up the review process at that stage and reduce/eliminate the amount of changes needed at the later stages. Please see the attached comments reviewing the revised street names submission. Let me know if you have any questions.

Alex Main
GIS Tech I, Engineering
O: 208.468.5475, F: 208.465.2261
Nampa GIS, Like us on Facebook

Alex:

As per your memo dated January 30, 2019, please review these street names attached. We can submit a new preliminary plat to the P & Z Department with these corrections if we need to.

Thank you,
Kristi

From: Everett Earnest <eearnest@jub.com>
Sent: Thursday, January 31, 2019 7:42 AM
To: Kristi Watkins <kwatkins@jub.com>
Subject: RE: Addressing Review - Summit Ridge Subdivision

From: Kristi Watkins <kwatkins@jub.com>
Sent: Wednesday, January 30, 2019 4:12 PM
To: Everett Earnest <eearnest@jub.com>; Gordon Broussard <gbroussard@jub.com>; Keith Morse <kmorse@jub.com>; Matt Price <mpprice@jub.com>; Scott Wonders <swonders@jub.com>; Stephen Sersha <ssersha@jub.com>; Travis Krupp <tkrupp@jub.com>; Vaun Cloyd <vcloyd@jub.com>
Cc: Wendy Shrief <wshrief@jub.com>
Subject: FW: Addressing Review - Summit Ridge Subdivision
Memo

To: Nampa Planning & Zoning Commission

From: Doug Critchfield, Senior Planner

cc: 

Date: February 5, 2019

Re: Summit Ridge Subdivision

The Summit Ridge Subdivision located on W. Greenhurst Rd, southwest corner of Midland Rd & W. Greenhurst Rd is near:

Lake Ridge Elementary – Approximately 2.0 miles – Not walkable

South Middle School – Approximately 1.5 miles – Not walkable

Skyview High School – Approximately 1.5 miles – Not walkable
DATE: February 12, 2019

TO: Planning and Zoning Commission

FROM: Daniel Badger, P.E.

SUBJECT: Carriage Hill West Subdivision #1, Final Plat and Construction Drawings review

The Engineering Division has reviewed the final plat and preliminary construction drawings for Carriage Hill West Subdivision #1 and have the following comments:

- General
  - Provide license agreements for all utility crossing of irrigation district facilities.
- Construction Drawings
  - Sheet 8 and 9
    - Show storm drain pipes in the profile.
  - Sheet 10
    - Provide a monitoring well for each 50’ of bed length.
    - Provide an observation well 10’ out side of each seepage bed.
    - Relocate sand and grease traps to the back of the side walk.
    - Verify storm drain pipes have a minimum of 3’ of cover in the roadway. If not upgrade the pipe type to C-900 or ductile iron.
    - Relocate catch basins to lot lines as redlined.
  - Sheets 11, 12, and 13
    - Relocate sewer to the centerline of the road per the utility corridor plan.
    - Relocate inline valves to hydrant tee’s.
  - Sheet 15
    - Key note S2 calls for a dual water meter on a 1.5” tap. Revise to call for two 1” taps with the setters in one meter vault.
  - Sheet 19
    - Revise sewer grades to remove the drop manhole.
    - Relocate services to Lot 13 as redlined.
March 17, 2019

Planning & Zoning Dept.
411 S 3rd St. South
Tampa, FL 33601

Planning Director
Norman L. Holm

Dear Mr. Holm:

I received the notice of Annexation and Zoning to R56.

I'm in favor of it being done.

I don't drive to it, but I would if I were at the meeting to vote yes. I don't plan on coming to the meeting, but you can count my yes vote anyway.

I live at 931 W. Greenview Rd here in Tampa. A nice city.

Sincerely,
M. Spady
Before the Nampa City Council
Meeting of March 18, 2019

STAFF REPORT – PUBLIC HEARING

Zoning Map Amendment from BC to HC property at 9870 W. St. Luke’s Dr., 9850 W. St. Luke’s Dr., 9860 W. St. Luke’s Dr., 0 Cherry Lane, and 0 Cherry Lane for The Land Group representing St. Luke’s Regional Medical Center LTD (ZMA 103-18).

To: Mayor and City Council

Applicant: The Land Group
Property Owner: St. Luke’s Regional Medical Center LTD

File No: ZMA 103-18

Prepared By: Norman L. Holm
Date: February 5, 2019

Requested Action: Zoning Map Amendment from BC (Community Business) to HC (Healthcare)

Purpose: St. Lukes desires to rezone the property from BC to HC to allow for consistency of development, requiring any future development to comply with the HC zone development requirements.

GENERAL INFORMATION

Planning and Zoning Commission Recommendation: Approval subject to specified conditions.

Planning and Zoning History: When the property was annexed and zoned by the applicant it was zoned BC (Community Business) and received a Conditional Use Permit for hospital use.
St. Lukes now desires to rezone the property from BC to HC to allow for consistency of development, requiring any future development to comply with the HC zone development requirements.

**Status of Applicant:** Owner Representative

**Rezone Location:** 9870 W. St. Luke's Dr., 9850 W. St. Luke's Dr., 9860 W. St. Luke's Dr., 0 Cherry Lane, and 0 Cherry Lane

**Property Size:** Five parcels totaling 33.08 acres located in a portion of the NW ¼ of the NW ¼ of Section 9, T3N, R2W, BM

**Existing Zoning:** BC (Community Business)

**Proposed Zoning:** HC (Healthcare)

**Existing Land Use:** Existing developed St. Luke's Hospital property

**Surrounding Land Use and Zoning:**
- North- Rural Residential and Agricultural, AG (County Agricultural)
- South- Commercial, BC
- East- Rural Residential and Agricultural, AG (County Agricultural)
- West- Undeveloped Commercial, BC

**Comprehensive Plan Designation:** Business Park with Light Industrial to the east and Highway Commercial to the south. The requested zoning map amendment is interpreted as not strictly conforming with the Proposed Future Land Use Map as presently adopted. Staff has included the St. Luke's property in the current Proposed Future Land Use Map update in process re-designating it as Public.

**Applicable Regulations:** Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood. Staff supports the rezone to HC given the Comprehensive Plan map amendment from Business Park to Public now underway as a part of the overall Comprehensive Plan update.

---

**SPECIAL INFORMATION**

**Public Utilities:**
- 12" sewer main located in N. Midland Blvd. and Cherry Lane with 8" and 10" stubs into the property.
- 12" and 10" water mains located in and around the property.
- 12" irrigation main located in N. Midland Blvd. and a portion of Cherry Lane with 8" mains extended into the property.

**Public Services:** All present.

**Transportation:** The property has frontage on and existing access from N. Midland Blvd. on the west and Cherry Lane on the north.
Environmental: The rezone would have little effect on the adjoining properties. The continued use of the property is for hospital and related purposes.

Correspondence: No written correspondence has been received from any area property owners, resident or business owners regarding opposition to or support for the requested rezone from BC to HC.

STAFF FINDINGS AND DISCUSSION

The requested rezone is appropriate. The parcel presently has Business Park use designation on the Comprehensive Plan future land use map. The requested zoning map amendment is interpreted as complying with this designation and will more fully comply when the map is updated later this year to Public designation.

If the Planning Commission votes to recommend to the City Council approval of the rezone the following findings are suggested:

1) Rezone of the subject property to HC is reasonably necessary in order to allow the applicant to allow for consistency of development, requiring any future hospital and related development to comply with the HC development requirements.
2) Rezone of the subject property to HC is in the interest of the property owner and conforms to the adopted comprehensive plan designation of Business Park use and future designation of Public use.
3) The existing and proposed Public/Hospital use of the subject property will be compatible with the existing commercial uses already established in the area to the south.
4) The use of a development agreement to establish any conditions for the requested zoning amendment serves no purposes.

RECOMMENDED CONDITIONS OF APPROVAL

If the City Council accepts the Planning and Zoning Commission and votes to approve the zoning map amendment from BC to HC staff recommends the conditions of approval required by the City Engineering Division, as follows:

General:
1) At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to-
   a. Sewer main and service(s)
   b. Water main and service(s)
   c. Pressure Irrigation
   d. Storm drainage-both on and off-site
   e. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
2) Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.
3) Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a. Domestic Well - the Idaho Department of Water Resources
b. Septic Systems – Southwest District Health Department
c. Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

Access and Right-of-Way
1) With development of the property, access points will be required to meet the current adopted Access Management Policy.
2) Right-of-way dedication – Required
   a. East Cherry Lane - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.

ATTACHMENTS

1) Application and letter (Pages 5-7)
2) Zoning and location map (Page 8)
3) Arial photo (Page 9)
4) Birds eye view photo (Page 10)
5) Rezone area legal description and map (Pages 11-13)
6) Agency and other correspondence (Pages 14-22)
7) Planning and Zoning Commission hearing minutes (Pages 23-26)
APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP

PLANNING AND ZONING DEPARTMENT

411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487 F: (208) 465-2261

Nonrefundable Fee: $406.00 (1 acre or less)  Nonrefundable Fee: $811.00 (more than 1 acre)
Or $213.00 for a text amendment

<table>
<thead>
<tr>
<th>Applicant/Representative Name</th>
<th>The Land Group</th>
<th>Home Number</th>
<th>208-939-4041</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>462 E Shore Dr., Ste 100</td>
<td>Mobile Number</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Eagle</td>
<td>Zip code</td>
<td>83616</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:tamara@thelandgroupinc.com">tamara@thelandgroupinc.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Owner Name</td>
<td>ST LUKES REGIONAL MEDICAL CENTER LTD</td>
<td>Home Number</td>
<td></td>
</tr>
<tr>
<td>Street Address</td>
<td>190 E BANNOCK ST</td>
<td>Mobile Number</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Boise</td>
<td>Zip Code</td>
<td>83712</td>
</tr>
<tr>
<td>Email</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Applicant's interest in property:  ( X ) Own  ( ) Rent  ( ) Other

ADDRESS OF SUBJECT PROPERTY:
9870 W ST LUKES DR, 9850 W ST LUKES DR, 9860 W ST LUKES DR, 0 CHERRY LN, 0 CHERRY LN

Please provide the following REQUIRED DOCUMENTATION:

- X Completed Application
- X A copy of one of the following:
  - X Warranty Deed  □ Proof Of Option  □ Earnest Money Agreement
- X Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
- X Original Legal description of property AND a legible WORD formatted document with Closure Calcs. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description

- State the zoning desired for the subject property: HC for all 5 properties

- State (or attach a letter stating) the reason for the proposed change, together with any other information considered pertinent to the determination of the matter. In the case of a text amendment please attach the full text of the proposed amendment. Please see attached letter

Dated this 21 day of December, 2018

Applicant Signature

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. In the case of map amendments notice shall also be posted on the premises not less than 1 week prior to the hearings and notices will be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

OFFICE USE ONLY

FILE NUMBER: ZMA/ZMA: 103 - 2018

PROJECT NAME

12/11/13 Revised
December 20, 2018

Norman Holm
Planning Director
City of Nampa
441 3rd St. S.
Nampa, ID 83651

RE: St. Luke's - Nampa | Southwest corner of Midland and Cherry Lane
Application for Annexation/Zoning and Rezone | PN 118118

Dear Mr. Holm:

St. Luke's is pleased to submit applications for a rezone of the existing hospital property, and annexation and zoning of the expansion property to the immediate east. The rezone parcels are R30995011B0, R3099501200, R3099501100, R30995011F0 and R3099500000, highlighted in blue below, totaling 33.09 acres.

The rezone application is to rezone the parcels from BC - Business Community District to HC - Healthcare District. The existing uses and future uses are more consistent with the HC zone. By rezoning all parcels to the HC zone, it will allow for consistency of development, requiring any future development to comply with the HC development requirements.

<table>
<thead>
<tr>
<th>Rezone Parcels</th>
<th>Address</th>
<th>Acres</th>
<th>Current Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>R30995011B0</td>
<td>0 Cherry Lane</td>
<td>3.46</td>
<td>BC</td>
</tr>
<tr>
<td>R3099501200</td>
<td>9870 W. St. Lukes Dr.</td>
<td>1.03</td>
<td>BC</td>
</tr>
<tr>
<td>R3099501100</td>
<td>9850 W. St. Lukes Dr.</td>
<td>11.15</td>
<td>BC</td>
</tr>
</tbody>
</table>
The annexation parcels are R3099800000 and R3100300000, highlighted in blue below, which are located to the immediate east of the five rezone parcels.

The proposal is to annex and zone these parcels from AG Aquiculture in Canyon County to HC - Healthcare. The annexation and HC zone will promote consistent development of the properties.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Address</th>
<th>Acres</th>
<th>Current Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>R3099800000</td>
<td>0 Cherry Lane</td>
<td>8.1</td>
<td>AG</td>
</tr>
<tr>
<td>R3100300000</td>
<td>0 Ten Lane</td>
<td>13.45</td>
<td>AG</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td><strong>21.55</strong></td>
<td></td>
</tr>
</tbody>
</table>

The proposed rezone and annexation and zoning to HC is consistent with the existing development, development agreement, and harmonious with the surrounding land uses. We appreciate the opportunity to work with the City of Nampa to create a quality health care campus.

Best Regards,
St. Luke’s Nampa Medical Center, Ltd.
St. Luke’s Regional Medical Center, Ltd.

Real Estate Services Manager
St. Luke’s Health System, Ltd.

stlukesonline.org
Zoning Map Amendment from BC (Community Business) to HC (Healthcare)

9850, 9860, 9870 St. Lukes Dr. and 0 Cherry Ln.

Visit Planning & Zoning at cityofnampa.us for more info.

9850, 9860, 9870 St. Lukes Dr. and 0 Cherry Ln.

ZMA-00103-2018

2/22/2019

For illustrative purposes only

K:\ZoningExhibits\GIS All PLZ\MAPS\Z_Zoning_Area_dyn.mxd
A parcel of land being APN: R30995000000, R3099501200, R30995011F0, R3099501100 & R30995011B0 all located in a portion of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 3 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho being more particularly described as follows:

COMMENCING at the Northwest Section corner of said Section 9, marked by a 5/8" steel pin; thence on the north section line of said section 9, North 89° 44' 14" East, 54.85 feet, to a point from which the West One Sixteenth North corner of said Section 9 bears, North 89° 44' 14" East, 1271.54 feet; thence leaving said north section line, South 00° 15' 46" East, 60.00 feet, to a point on the southerly right-of-way line of Cherry Lane AND the POINT OF BEGINNING;

Thence on said southerly right-of-way line, North 89° 44' 14" East, 535.15 feet;
Thence North 08° 19' 53" West, 10.10 feet;
Thence North 89° 44' 14" East, 737.48 feet, to a point on the east line of said Northwest 1/4 of the Northwest 1/4 of Section 9;
Thence on said east line, South 00° 05' 48" West, 1051.80 feet, to a point from which the Northwest One Sixteenth corner of said Section 9 bears, South 00° 05' 48" West, 224.98 feet;
Thence South 89° 44' 59" West, 830.53 feet;
Thence South 00° 00' 00" East, 225.00 feet, to a point on the south line of said Northwest 1/4 of the Northwest 1/4 of Section 9;
Thence on said south line, South 89° 44' 59" West, 446.57 feet, to a point on the easterly right-of-way line of Midland Blvd.;
Thence on said easterly right-of-way line, North 00° 06' 42" East, 653.59 feet to a point of curvature;
Thence 177.13 feet on the arc of a curve to the left, having a radius of 5550.00 feet, a central angle of 01° 49' 43"", and whose long chord bears North 00° 48' 10" West, 177.12 feet;
Thence North 01° 43' 01" West, 172.35 feet to a point of curvature;
Thence 94.15 feet on the arc of a curve to the left, having a radius of 2950.00 feet, a central angle of 01° 49' 43"", and whose long chord bears North 00° 48' 10" West, 94.15 feet;
Thence North 00° 06' 42" East, 154.31 feet;  
Thence North 44° 56' 08" East, 21.37 feet to the POINT OF BEGINNING.

The above described parcel contains (1440983 sq.ft.) 33.08 acres, more or less.

PREPARED BY:  
The Land Group, Inc.  
Michael Femenia, PLS

12/20/2018
Date: January 7, 2019
Rev:
To: Planning and Zoning
Cc: Daniel Badger, P.E., City Engineer
Cc: Tom Points, P. E., Nampa City Public Works Director
Cc:
From: Jim Brooks – Engineering Division
Applicant: The Land Group, representing Luke’s Regional Medical Center
Applicant Address: 462 E. Shore Dr., Ste. 100, Eagle, Idaho 83616
Owner: St. Luke’s Regional Medical Center, LTD.
Owner Address: 190 E. Bannock St., Boise, Idaho 83712
Property Address: 9870, 9850, 9860 W. St. Luke’s Dr., and two parcels addressed as 0 E. Cherry Ln.
Re: Zoning map Amendment from BC to HC for five parcels totaling 33.08 acres.

ZMA-00103-2018 for February 12, 2019 Planning & Zoning Meeting

The Engineering Division does not oppose the granting of the request with the following conditions:

General:
➢ At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to-
  o Sewer main and service(s)
  o Water main and service(s)
  o Pressure Irrigation
  o Storm drainage-both on and off-site
  o Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
  o Domestic Well - the Idaho Department of Water Resources
  o Septic Systems – Southwest District Health Department
  o Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

Access and Right-of-Way

➤ With development of the property, access points will be required to meet the current adopted Access Management Policy.

➤ Right-of-way dedication – Required
  o East Cherry Lane - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Good Afternoon Everyone! ☺

Re: ZMA-00103-2018

The Land Group representing St. Luke’s Regional Medical Center LTD., has requested a Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 W. St. Lukes Dr., 9850 W. St. Lukes Dr., 9860 W. St. Lukes Dr., 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW ¼ of the NW ¼ of Section 9, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the February 12, 2019 agenda.

Please find attached ZMA-00103-2018 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than January 30, 2019.
Good Afternoon Everyone! 😊

Re: ZMA-00103-2018

The Land Group representing St. Luke’s Regional Medical Center LTD., has requested a Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 W. St. Lukes Dr., 9850 W. St. Lukes Dr., 9860 W. St. Lukes Dr., 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW ¼ of the NW ¼ of Section 9, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the February 12, 2019 agenda.

Please find attached ZMA-00103-2018 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than January 30, 2019.
January 29, 2019

Shellie Lopez  
City of Nampa  
411 3rd Street South  
Nampa, Idaho 83651

VIA EMAIL

<table>
<thead>
<tr>
<th>Development Application</th>
<th>ZMA-00103-2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>ST. LUKE’S REGIONAL MEDICAL CENTER</td>
</tr>
<tr>
<td>Project Location</td>
<td>Southeast corner of Cherry Lane and Midland Boulevard, north of I-84 milepost 34.15</td>
</tr>
<tr>
<td>Project Description</td>
<td>Zoning Map Amendment from BC (Community Business) to HC (Healthcare)</td>
</tr>
<tr>
<td>Applicant</td>
<td>St. Luke’s Regional Medical Center LTD</td>
</tr>
<tr>
<td>Representing</td>
<td>The Land Group</td>
</tr>
</tbody>
</table>

The Idaho Transportation Department (ITD) reviewed the referenced zoning map amendment application and has the following comments:

1. This project does not abut the State highway system.

2. Traffic generation numbers were not provided with this application. Future development of this parcel will require submittal of trip generations to ITD, and may require a Traffic Impact Study (TIS). ITD reserves the right to make further comments upon review of any submitted traffic generation data or other documents.

3. This development will gain access to the State Highway system at the I-84/Midland Blvd interchange. The City is reminded that the I-84 corridor is already congested. This project will increase the number of vehicle trips in to this intersection. While this individual development is not large, the accumulation of developments accessing the State Highway system at the I-84/ Midland Blvd/ Karcher Road interchange is creating additional congestion. As the City continues to add additional trips to this corridor through development, the congestion will worsen until the roadway system is ultimately overloaded and fails.
4. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.

5. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.

6. ITD objects to the proposed application due to traffic concerns as noted in items 2 and 3.

7. Once all traffic concerns have been addressed with ITD Staff, ITD will withdraw any objection to the proposed application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov
1/28/19

Sylvia Mackrill
City of Nampa Planning & Zoning
via email: mackrill@cityofnampa.us

SUBJECT: ZMA-00103-2018 - St. Lukes Application for Zoning Map Amendment
9870, 9860 & 9850 W St. Lukes Drive, Nampa, ID

APN: R30995011B0, R3099501200, R3099501100, R30995011F0 & R3099500000

Re: Review of application for zoning change from Business Development to Healthcare Development, lying within the Northwest Quarter of Section 9, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the proposed zoning change from Business to Healthcare and has determined that it has no objection to the zoning change. We note that there are existing CenturyLink facilities located on these properties.

It is the intent and understanding of CenturyLink that this approval shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This zoning change review response is no objection.

If CenturyLink facilities need to be relocated, the Owner will be required to grant any necessary easement rights to CenturyLink for the relocate, which will be at the expense of the Applicant. All relocation work will be performed by CenturyLink and/or its contractor.

If you have questions or concerns, please call Kerry Brent at 208-550-0284.

Sincerely,

[Signature]

Greg Hunt
Right of Way Agent
Qwest Corporation d/b/a CENTURYLINK QC

Leasenet #:P811466
February 13, 2019

Tamara Thompson
The Land Group
9560 W. Pebble Brook Lane
Garden City, ID 83714

Subject: Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 W. St. Lukes Dr., 9850 W. St. Luke's Dr., 9860 W. St. Luke's Dr., 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW 1/4 of the NW 1/4 of Section 9, T3N, R2W, BM) for The Land Group representing St. Luke's Regional Medical Center LTD (ZMA 103-18).

Dear Tamara:

The following is the decision of the Nampa Planning and Zoning Commission on the above matter heard before them on February 12, 2019. This letter will stand as the Findings of Fact, Conclusions of Law and Decision required by Idaho Code Section 67-6535. The Planning and Zoning Commission found the following concerning your annexation and zoning request:

1) Rezone of the subject property to HC is reasonably necessary in order to allow the applicant to allow for consistency of development, requiring any future hospital and related development to comply with the HC development requirements.
2) Rezone of the subject property to HC is in the interest of the property owner and conforms to the adopted comprehensive plan designation of Business Park use and future designation of Public use.
3) The existing and proposed Public/Hospital use of the subject property will be compatible with the existing commercial uses already established in the area to the south.
4) The use of a development agreement to establish any conditions for the requested zoning amendment serves no purposes.

Consequently, the Planning and Zoning Commission voted to recommend to the City Council approval of your Rezone from BC (Community Business) to HC (Healthcare) subject to the following conditions:

General:

1) At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to-
   a. Sewer main and service(s)
   b. Water main and service(s)
   c. Pressure Irrigation
   d. Storm drainage-both on and off-site
   e. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
2) Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

3) Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a. Domestic Well - the Idaho Department of Water Resources
   b. Septic Systems – Southwest District Health Department
   c. Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

Access and Right-of-Way

1) With development of the property, access points will be required to meet the current adopted Access Management Policy.

2) Right-of-way dedication – Required
   a. East Cherry Lane - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.

Further consideration, public hearing and final action on the Zoning Map Amendment from BC to HC have been scheduled before the City Council on March 18, 2019. You should be present at this hearing to address any questions the City Council may have. Should you have any questions, please feel free to contact me at 468-5446.

Sincerely,

[Signature]

Norman L. Holm, Planning Director
CITY OF NAMPA

cc: St. Luke's Regional Medical Center LTD
190 E. Bannock St.
Boise, ID 83712
Public Hearing No. 2:
Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 West St Luke’s Dr, 9850 West St Luke’s Dr, 9860 West St Luke’s Dr, 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW ¼ of Section 9 T3N R2W BM) for The Land Group representing St Luke’s Regional Medical Center Ltd (ZMA-00103-2018). ACTION ITEM.

Public Hearing Item No. 3:
Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane (Two parcels totaling 21.511 acres located in a portion of the NW ¼ of Section 9 T3N R2W BM), for the Land Group, representing St Luke’s Regional Medical Center Ltd. (ANN-00110-2018). ACTION ITEM

Chairman McGrath proceeded to public hearing for Public Hearing Items 2 and 3:

Tamara Thompson of The Land Group, 462 E Shore Dr, Eagle – representing the applicant:
- Ms Thompson noted the Public Hearing Item No. 2 related to 5 parcels, comprising approximately 33.08 acres, currently zoned BC. The applicants were proposing HC zoning, which is the City of Nampa Healthcare zoning district.
- The second public hearing, continued Ms Thompson, related to the 21.51-acre property adjacent and to the east of the existing hospital, planned as an expansion property for future development.
- The existing hospital uses, and future uses would be more consistent with the HC zone and therefore the intent was to zone all the St Luke’s properties to HC and require any future development to comply with the HC zoning requirements.
- Ms Thompson stated the proposed Rezone to HC, and Annexation and zoning to HC would be consistent with the existing development, and the Development Agreement attached to the existing hospital property and would be harmonious with the surrounding land uses.
- Kehoe inquired about the proposed Helipad site at the southwestern corner of the property. Ms Thompson stated the Helipad was not currently in the plan, and the parcel at the southwestern corner was now proposed for the MSTI (Mountain States Tumor Institute) facility.
- Kirkman inquired about the area to the east requesting annexation, and Ms Thompson stated it could be for both hospital expansion and medical facilities.
- In response to a question from Kehoe, Ms Thompson stated there was an option in place to purchase the property.

Planning Director Holm:
- Holm reviewed the Staff Report and recommended conditions of approval for both the Annexation and HC zoning and the Rezone from BC to HC.
- St Luke’s has reviewed the HC Zoning Code in the Ordinance, continued Holm, and determined it would be a good idea to initiate.
- No communications have been received from neighboring property owners or businesses, stated Holm.
- Holm considered it did make sense for St Luke’s to plan for the future by annexing the property on the east side of the hospital and getting the HC zoning in place, so they can plan for the future under the HC criteria.

Chairman McGrath proceeded to public testimony.

Dave Hawk of Amalgamated Sugar Company, 138 W Karcher Rd, Nampa – Undecided:
- Mr Hawk stated he was the plant manager at Amalgamated Sugar Company’s Nampa facility located at 138 W Karcher Rd, Nampa.
- According to Mr Hawk, Amalgamated Sugar had been in the area since 1942, has over 500 employees, and processed sugar beets to granulated sugar and other byproducts.
- Amalgamated Sugar Co, continued Mr Hawk, was committed to be a good neighbor, and had been in recent discussions with the City of Nampa regarding the land use of the subject area and the proposed zoning changes.
- Healthcare, suggested Mr Hawk, would appear to be in direct conflict with the City of Nampa’s Comprehensive Plan for the future. The map indicates both Light Industrial and Heavy Industrial for the subject area.

Nampa Planning and Zoning Commission Meeting – February 12, 2019
Page 9
• The 21-acre site, proposed for annexation, stated Mr Haw, was currently farmed in the County.
• Maintaining an Agricultural or Light Industrial designation, or providing appropriate building design considerations, added Mr Haw, would reduce the future conflicts from the subject parcel being zoned Healthcare.
• According to Mr Haw, during discussions with the City, the City had reassured the company the adjacent lands would stay as Light Industrial or Heavy Industrial designations.
• Discussion followed regarding the fact the Amalgamated Sugar Co had been operating in that location since 1942.
• Chairman McGrath inquired if Amalgamated Sugar Co had any discussions with St Luke’s or The Land Group regarding their plans.
• Mr Haw stated there had been discussions in the past with St Luke’s regarding Amalgamated Sugar Co plans, however, receipt of the Legal Notice from the City was the first the company had heard about the proposed annexation and HC zoning.
• Mr Haw indicated the location of the Amalgamated Sugar Co water ponds directly to the south, the location across the road for the dirt from processing, and the farm ground to the north and east.
• At the present time, with the Light Industrial Future Land Use designations, there would be a distance between the sugar factory property and the hospital property.
• Kirkman noted Amalgamated Sugar was already located there.
• Mr Haw agreed Amalgamated Sugar had been there a long time, and the City had grown up around the facility, however, that did not reduce the impact from the neighbors regarding issues that might arise with Amalgamated Sugar operations.
• The plant, continued Mr Haw, processes over 12,000 tons of sugar beets a day, and with that processing there was a certain amount of aroma, even with all the pollution control devices currently in place.

Tamara Thompson:
• Ms Thompson considered although Mr Haw was talking about potential conflicts, there was nothing specific.
• Discussion followed regarding Amalgamated Sugar Co property operating since 1942 and the fact their land was located adjacent to the requested annexation property precluded any complaints by St Luke’s.
• Ms Thompson noted the existing hospital was already there and there had been no issues. The proposed annexation land was right next door.
• Kehoe noted the odor from the plant and Ms Thompson stated the existing hospital was already in place and there had been no issues.
• The plan stated Ms. Thompson was to create a quality healthcare campus in Nampa.
• The applicants, reported Ms Thompson, had read the Staff Report and agree with the Staff recommended conditions of approval.
• Holm noted the existing hospital facility was located within the Business Park designation on the Comprehensive Plan Future Land Use Map. The additional piece to be annexed, directly to the east, was on the dividing line where the map converts to Light Industrial as indicated on the Comprehensive Plan map.
• That line, stated Holm, as stated on the Comprehensive Plan Future Land Use Map, can be adjusted to include the parcels on either side.
• Holm considered the issue could also be addressed during the upcoming Update of the Comprehensive Plan.
• Discussion followed regarding removing 21 acres from the Light Industrial Comprehensive Plan Future Land Use map designation.
• Garner considered the City opened the door when the Treasure Valley Marketplace and the hospital were approved for those locations.
• Miller noted the hospital would be going forward with their plans to the east being fully aware of the Amalgamated Sugar Company facilities next door.

Kehoe motioned and Kropp seconded to close public hearing. Motion carried.
Public Hearing No. 2:
Kehoe motioned and Van Aufer, Jr motioned to recommend to City Council, rezoning from BC to HC for 9870 W St Luke’s Dr, 9850 W St Luke’s Dr, 9860 W St Luke’s Dr, 0 Cherry Lane, and 0 Cherry Lane (5 parcels totaling 33.08 acres), for The Land Group, representing St Luke’s Regional Medical Center, Ltd, subject to:

General:
1. At time of development of the site, the developer shall extend all public utilities to and through the site in accordance with current City Policy and Master Plans. These improvements will include, but not be limited to:
   a) Sewer main and service(s)
   b) Water main and service(s)
   c) Pressure Irrigation
   d) Storm drainage – both on and off-site.
   e) Gravity Irrigation – Either continued delivery to, or wastewater from adjacent properties.
2. Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary, for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.
3. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a) Domestic Well – the Idaho Department of Water Resources.
   b) Septic Systems – Southwest District Health Department.
   c) Copies of all related documents certifying the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

Access and Right-Of-Way:
1. With Development of the property, access points will be required to meet the current adopted Access Management Policy.
   a) East Cherry Lane – Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.

Motion carried.

Public Hearing No. 3:
Kehoe motioned and Kropp seconded to recommend to City Council Annexation and HC zoning for property located at 0 Cherry Lane and 0 Ten Lane, two parcels totaling 21.511 acres for The Land Group, representing St Luke’s Regional Medical Center, Ltd, subject to:

General:
1. At time of development of the site, the developer shall extend all public utilities to and through the site in accordance with current City Policy and Master Plans. These improvements will include, but not be limited to:
   a) Sewer main and service(s)
   b) Water main and service(s)
   c) Pressure Irrigation.
   d) Storm drainage – both on and off-site.
   e) Gravity Irrigation – Either continued delivery to, or wastewater from, adjacent properties.
2. Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary, for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.
3. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a) Domestic Well – the Idaho Department of Water Resources.
   b) Septic Systems – Southwest District Health Department.
c) Copies of all related documents certifying the well and septic systems have been
abandoned shall be forwarded to the City of Nampa Engineering Division for the project
files.

Access and Right-Of-Way:
3. With Development of the property, access points will be required to meet the current adopted
Access Management Policy.
   a) East Cherry Lane – Functional Classification is an arterial. Annexation will only be
      required to the prescriptive right-of-way of East Cherry Lane.

Motion carried.
STAFF REPORT – PUBLIC HEARING

Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane for The Land Group representing St. Luke's Regional Medical Center LTD (ANN 110-18).

To: Mayor and City Council

Applicant: The Land Group representing St. Luke's Regional Medical Center LTD

Property Owner: David A. Baum

File No: ANN 110-18

Prepared By: Norman L. Holm

Date: March 12, 2019

Requested Actions: Annexation & Zoning to HC (Healthcare)

Purpose: For future hospital planning.

GENERAL INFORMATION

Planning and Zoning Recommendation: Approval subject to specified conditions.

Planning and Zoning History: The property has been used for agricultural purposes in the past.

Status of Applicant: Owner Representative

Annexation Location: East of S. Midland Blvd. on the south side of Cherry Lane at 0 Cherry Lane and 0 Ten Lane.
Total Size: Two parcels totaling 21.511 acres located in a portion of the NE ¼ of the NW ¼ of Section 9, T3N, R2W, BM.

Existing Zoning: County AG (Agricultural)

Proposed Zoning: HC (Healthcare)

Existing Uses: Agricultural crop land.

Comprehensive Plan Designation: Light Industrial with Business Park to the west and Light Industrial to the north, south, and east. The requested HC zoning upon annexation is interpreted as not strictly conforming with the Proposed Future Land Use Map as presently adopted. Staff has included this property in the current Proposed Future Land Use Map update in process re-designating the proposed future land use as Public.

Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The property adjoins existing city limits on the west adjacent the St. Luke’s owned property, as well as on the east adjacent already annexed Light Industrial zoned lands.


SPECIAL INFORMATION

Public Utilities:
12” sewer main located in N. Midland Blvd. and Cherry Lane with 8” and 10” stubs into the adjacent hospital property to the west.
12” and 10” water mains located in and around the adjacent hospital property to the west.
12” irrigation main located in N. Midland Blvd. and a portion of Cherry Lane with 8” mains extended into the adjacent hospital property to the west.

Public Services: Police and fire already service city incorporated areas surrounding the location.

Physical Site Characteristics: Existing agricultural crop land.

Transportation: The property has frontage on and access from Cherry Lane on the north.

Correspondence: Dave Hawk, Plant Manager of the Amalgamated Sugar Company attended the Planning and Zoning Commission hearing indicating undecided regarding his position on the annexation and zoning to HC. He expressed that annexing and zoning to HC would conflict with the existing comprehensive plan future land use map for industrial use. He noted factory water ponds directly to the south, the location of dirt from processing across the road and the potential negative impacts of the adjacent sugar factory raised by neighbors (including aroma). (see attached letter)

No other written correspondence has been received from any other area property owners, resident or business owners regarding opposition to or support for the requested annexation and zoning to HC for hospital purposes.
STAFF FINDINGS AND DISCUSSION

If the City Council accepts the Planning and Zoning Commission recommendation and votes to approve the annexation and zoning, the following findings are recommended:

1) The property adjoins existing city limits on the west adjacent the St. Luke's owned property, as well as on the east adjacent already annexed Light Industrial zoned lands.
2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands to the west and east having been annexed, zoned, and/or developed for hospital or industrial purposes.
3) The requested HC zoning upon annexation is interpreted as not strictly conforming with the Proposed Future Land Use Map as presently adopted. Staff has included this property in the current Proposed Future Land Use Map update in process re-designating it as Public.
4) The proposed HC zoning is reasonably compatible with existing and proposed healthcare and industrial land uses in the area.
5) The applicant desires annexation and zoning to HC to facilitate future development for St. Luke's Hospital purposes.

RECOMMENDED CONDITIONS OF APPROVAL

If the City Council votes to approve the Annexation and Zoning to HC staff recommends the following conditions required by the City Engineering Division (same as recommended for the rezone application):

General:
1) At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to-
   a. Sewer main and service(s)
   b. Water main and service(s)
   c. Pressure Irrigation
   d. Storm drainage-both on and off-site
   e. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
2) Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.
3) Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a. Domestic Well - the Idaho Department of Water Resources
   b. Septic Systems – Southwest District Health Department
   c. Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

Access and Right-of-Way
4) With development of the property, access points will be required to meet the current adopted Access Management Policy.
5) Right-of-way dedication – Required
   a. East Cherry Lane - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.
ATTACHMENTS

1) Application and letter (Pages 5-6)
2) Zoning and location map (Page 7)
3) Arial photo (Page 8)
4) Birds eye view photo (Page 9)
5) Annexation and zoning area legal description and map (Pages 10-11)
6) Agency and other correspondence (Pages 12-21)
7) Amalgamated Sugar Co. Planning and Zoning Commission hearing comments (Page 22)
8) Planning and Zoning Commission hearing minutes (Pages 23-26)
APPLICATION FOR ANNEXATION/ZONING
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 464-4487 F: (208) 465-2261
Nonrefundable Fee: $452.00 (1 acre or less) Nonrefundable Fee: $910.00 (more than 1 acre)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>The Land Group</th>
<th>Home Number</th>
<th>208-939-4041</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>462 E Shore Dr., Ste. 100</td>
<td>Mobile Number</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Eagle</td>
<td>Zip Code</td>
<td>83616</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td>Email</td>
<td><a href="mailto:tamara@thelandgroupinc.com">tamara@thelandgroupinc.com</a></td>
</tr>
<tr>
<td>Property Owner Name</td>
<td>David A Baum</td>
<td>Home Number</td>
<td></td>
</tr>
<tr>
<td>Street Address</td>
<td>9625 Linden Rd</td>
<td>Mobile Number</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
<td>Zip Code</td>
<td>83687</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Applicant's interest in property:</td>
<td>(X) Own</td>
<td>( ) Rent</td>
<td>( ) Other</td>
</tr>
</tbody>
</table>

ADDRESS OF SUBJECT PROPERTY: 0 CHERRY LN & 0 TEN LN

Please provide the following required documentation

- Completed Application
- A copy of one of the following: warranty deed or proof of option or earnest money agreement
- Signed & notarized affidavit of legal interest (attached). Form must be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
- Original legal description of property AND a legible WORD formatted document with closure calc (must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description
- State the zoning desired for the subject property: HC for both properties
- State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property: Please see attached letter

Dated this 21 day of December, 2018
Applicant Signature

NOTICE TO APPLICANT

This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearing must be published in the Idaho Press-Tribune 15 days prior to the hearing. Notice shall also be posted on the premises of the subject property not less than 1 week prior to the hearing. Notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should be present to answer any questions.

OFFICE USE ONLY

FILE NUMBER: ANN - 110 - 2018 PROJECT NAME: Annex + Zoning to HC

12/11/13 Revised
The proposal is to annex and zone these parcels from AG Aquiculture in Canyon County to HC - Healthcare. The annexation and HC zone will promote consistent development of the properties.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Address</th>
<th>Acres</th>
<th>Current Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>R3099800000</td>
<td>0 Cherry Lane</td>
<td>8.1</td>
<td>AG</td>
</tr>
<tr>
<td>R3100300000</td>
<td>0 Ten Lane</td>
<td>13.45</td>
<td>AG</td>
</tr>
</tbody>
</table>

Total: 21.55

The proposed rezone and annexation and zoning to HC is consistent with the existing development, development agreement, and harmonious with the surrounding land uses.

We appreciate the opportunity to work with the City of Nampa to create a quality health care campus.

Best Regards,
St. Luke’s Nampa Medical Center, Ltd.
St. Luke’s Regional Medical Center, Ltd.

Real Estate Services Manager
St. Luke’s Health System, Ltd.
Annexation and Zoning of two parcels to HC (Healthcare)

ANN-00110-2018

1/29/2019

Visit Planning & Zoning at cityofnampa.us for more info.
LEGAL DESCRIPTION

Page 1

December 20, 2018
Project No.: 118118

ANNEXATION
ST. LUKE'S REGIONAL MEDICAL CENTER, LTD

A parcel of land being APN: R3099800000 & R3100300000, located in a portion of the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho being more particularly described as follows:

COMMENCING at the West One Sixteenth North corner of said Section 9, marked by a 5/8" steel pin; thence on the west line of said Northeast 1/4 of the Northwest 1/4 of Section 9, South 00° 05' 48" East, 25.00 feet, to a point on the southerly prescriptive right-of-way line of Cherry Lane AND the POINT OF BEGINNING;

Thence on said southerly prescriptive right-of-way line, Thence North 89° 47' 40" East, 135.40 feet; Thence leaving said southerly prescriptive right-of-way line, South 00° 05' 48" West, 245.00 feet; Thence North 89° 47' 40" East, 166.61 feet; Thence North 00° 05' 48" East, 115.93 feet; Thence North 89° 47' 40" East, 370.32 feet; Thence North 00° 05' 48" East, 129.07 feet, to a point on said southerly prescriptive right-of-way line;

Thence on said southerly prescriptive right-of-way line, North 89° 47' 40" East, 14.30 feet; Thence leaving said southerly prescriptive right-of-way line, South 00° 04' 48" West, 638.10 feet; Thence South 89° 46' 20" West, 13.83 feet; Thence South 00° 11' 02" West, 49.35 feet to a point of curvature; Thence 33.74 feet on the arc of a curve to the left, having a radius of 50.00 feet, a central angle of 38° 39' 32", and whose long chord bears South 19° 08' 37" East, 33.10 feet; Thence South 38° 28' 16" East, 741.36 feet, to a point on the south line of said Northeast 1/4 of the Northwest 1/4 of Section 9;

Thence on said south line of the Northeast 1/4 of the Northwest 1/4 of Section 9, South 89° 44' 59" West, 1146.01 feet, to the Northwest One Sixteenth corner of said Section 9; Thence on the west line of said Northeast 1/4 of the Northwest 1/4 of Section 9, North 00° 05' 48" East, 1301.74 feet to the POINT OF BEGINNING.

The above described parcel contains (937020 sq.ft.) 21.511 acres, more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS

12/20/2018

462 East Shore Drive, Suite 100, Eagle, Idaho 83616 208.939.4041 thelandgroupinc.com
The land group
Annexation
St. Luke's Nampa Campus Expansion
St. Luke's Regional Medical Center, LTD
Date: January 7, 2019

Rev:

To: Planning and Zoning

Cc: Daniel Badger, P.E., City Engineer

Cc: Tom Points, P. E., Nampa City Public Works Director

Cc:

From: Jim Brooks – Engineering Division

Applicant: The Land Group, representing Luke’s Regional Medical Center

Applicant Address: 462 E. Shore Dr., Ste. 100, Eagle, Idaho 83616

Owner: David Baum

Owner Address: 9625 Linden Rd., Nampa, Idaho 83687

Property Address: TBD (0 Cherry Lane & 0 Ten Lane)

Re: Annexation and Zoning to HC to expand existing Medical center.

ANN-00110-2018 for February 12, 2019 Planning & Zoning Meeting

The Engineering Division does not oppose the granting of the request with the following conditions:

General:

➢ At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to-
  i. Sewer main and service(s)
  ii. Water main and service(s)
  iii. Pressure Irrigation
  iv. Storm drainage-both on and off-site
  v. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:

- Domestic Well - the Idaho Department of Water Resources
- Septic Systems – Southwest District Health Department
- Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

**Access and Right-of-Way**

- With development of the property, access points will be required to meet the current adopted Access Management Policy.
- Right-of-way dedication – Required
  - East Cherry Lane - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.
January 15, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: ANN-00110-2018/ St. Luke’s Regional Medical Center
9870, 9850 & 9850 W. St. Luke’s Drive & 0 Cherry Lane

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application, as it lies outside of our District boundaries. Please contact Mark Zirschky of Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District
DTD/ gnf

Cc:
Office/ file
M. Zirschky, Pioneer Irrigation District
January 29, 2019

Shellie Lopez  
City of Nampa  
411 3rd Street South  
Nampa, Idaho 83651

VIA EMAIL

<table>
<thead>
<tr>
<th>Development Application</th>
<th>ANN-00110-2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>ST. LUKE'S REGIONAL MEDICAL CENTER</td>
</tr>
<tr>
<td>Project Location</td>
<td>Southeast corner of Cherry Lane and Midland Boulevard, north of I-84 milepost 34.30</td>
</tr>
<tr>
<td>Project Description</td>
<td>Annexation and zoning to HC (Healthcare)</td>
</tr>
<tr>
<td>Applicant</td>
<td>St. Luke’s Regional Medical Center LTD</td>
</tr>
<tr>
<td>Representing</td>
<td>The Land Group</td>
</tr>
</tbody>
</table>

The Idaho Transportation Department (ITD) reviewed the referenced annexation and zoning application and has the following comments:

1. This project does not abut the State highway system.

2. Traffic generation numbers were not provided with this application. Future development of this parcel will require submittal of trip generations to ITD, and may require a Traffic Impact Study (TIS). ITD reserves the right to make further comments upon review of any submitted traffic generation data or other documents.

3. This development will gain access to the State Highway system at the I-84/Midland Blvd interchange. The City is reminded that the I-84 corridor is already congested. This project will increase the number of vehicle trips in to this intersection. While this individual development is not large, the accumulation of developments accessing the State Highway system at the I-84/ Midland Blvd/ Karcher Road interchange is creating additional congestion. As the City continues to add additional trips to this corridor through development, the congestion will worsen until the roadway system is ultimately overloaded and fails.
4. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.

5. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.

6. ITD objects to the proposed application due to traffic concerns as noted in items 2 and 3.

7. Once all traffic concerns have been addressed with ITD Staff, ITD will withdraw any objection to the proposed application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov
1/29/19

Sylvia Mackrill
City of Nampa Planning & Zoning
via email: mackrill@cityofnampa.us

SUBJECT: ANN-00110-2018 - St. Lukes Annexation Application
TBD Cherry Lane, Nampa, ID

APN: R3099800000 & R3100300000

Re: Review of application for annexation as Healthcare Development, lying within the Northwest Quarter of Section 9, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the proposed annexation application and has determined that it has no objection to the zoning change. There do not appear to be any existing CenturyLink facilities located on these properties.

It is the intent and understanding of CenturyLink that this approval shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This annexation review response is no objection.

If CenturyLink facilities need to be relocated, the Owner will be required to grant any necessary easement rights to CenturyLink for the relocate, which will be at the expense of the Applicant. All relocation work will be performed by CenturyLink and/or its contractor.

If you have questions or concerns, please call Kerry Brent at 208-550-0264.

Sincerely,

Greg Hunt
Right of Way Agent
Qwest Corporation d/b/a CENTURYLINK QC

Leasenet #: P811460
You have reached the general email for Deer Flat National Wildlife Refuge. *Due to the lapse in funding of the federal government budget, I am out of the office. I am not authorized to work during this time, but will respond to your email when I return to the office. Thank you.*

Like us on Facebook!  [http://www.facebook.com/deerflatnwr](http://www.facebook.com/deerflatnwr)

Deer Flat National Wildlife Refuge
13751 Upper Embankment Road
Nampa, ID 83686

(208) 467-9278
fax: (208) 467-1019

deerflat@fws.gov
[http://www.fws.gov/deerflat](http://www.fws.gov/deerflat)
From: Shellie Lopez <lopezs@cityofnampa.us>  
Sent: Wednesday, January 02, 2019 2:05 PM  
Subject: ANN-00110-2018

Good Afternoon Everyone! 😊

Re: ANN-00110-2018

The Land Group representing St. Luke’s Regional Medical Center LTD has requested Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane (Two parcels totaling 21.511 acres located in a portion of the NE ¼ of the NW ¼ of Section 9, T3N, R2W, BM).

The Annexation application will go before the Planning & Zoning Commission as a public hearing item on the February 12, 2019 agenda.

Please find attached the ANN-00110-2018 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than January 30, 2019.
February 13, 2019

Tamara Thompson
The Land Group
9560 W. Pebble Brook Lane
Garden City, ID 83714

Subject: Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane (Two parcels totaling 21.511 acres located in a portion of the NE ¼ of the NW ¼ of Section 9, T3N, R2W, BM) for The Land Group representing St. Luke’s Regional Medical Center LTD (ANN 110-18).

Dear Tamara:

The following is the decision of the Nampa Planning and Zoning Commission on the above matter heard before them on February 12, 2019. This letter will stand as the Findings of Fact, Conclusions of Law and Decision required by Idaho Code Section 67-6535. The Planning and Zoning Commission found the following concerning your annexation and zoning request:

1) The property adjoins existing city limits on the west adjacent the St. Luke’s owned property, as well as on the east adjacent already annexed Light Industrial zoned lands.
2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands to the west and east having been annexed, zoned, and/or developed for hospital or industrial purposes.
3) The requested HC zoning upon annexation is interpreted as not strictly conforming with the Proposed Future Land Use Map as presently adopted. Staff has included this property in the current Proposed Future Land Use Map update in process re-designating it as Public.
4) The proposed HC zoning is reasonably compatible with existing and proposed healthcare and industrial land uses in the area.
5) The applicant desires annexation and zoning to HC to facilitate future development for St. Luke’s Hospital purposes.

Consequently, the Planning & Zoning Commission voted to recommend to the City Council approval of your Annexation and Zoning to Healthcare subject to the following conditions:

**General:**

1) At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans. These improvements will include, but not be limited to-
   a. Sewer main and service(s)
   b. Water main and service(s)
   c. Pressure Irrigation
   d. Storm drainage-both on and off-site
   e. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties.
2) Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

3) Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a. Domestic Well - the Idaho Department of Water Resources
   b. Septic Systems – Southwest District Health Department
   c. Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

**Access and Right-of-Way**

1) With development of the property, access points will be required to meet the current adopted Access Management Policy.

2) Right-of-way dedication – Required
   a. East Cherry Lane - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.

Further consideration, public hearing and final action on the Annexation and Zoning to HC have been scheduled before the City Council on March 18, 2019. You should be present at this hearing to address any questions the City Council may have. Should you have any questions, please feel free to contact me at 468-5446.

Sincerely,

[Signature]

Norman L. Holm, Planning Director
CITY OF NAMPA

cc: David A. Baum
    9625 Linden Rd.
    Nampa, ID 83616

    St. Luke’s Regional Medical Center LTD
    190 E. Bannock St.
    Boise, ID 83712
Amalgamated Sugar Company Comments
Property Rezoning Cherry Lane & Ten Lane
Planning & Zoning Commission
February 12, 2019

The Amalgamated Sugar Company LLC Nampa Facility would like to provide comments on the proposed rezoning to Healthcare of the 21-acre parcel located at Cherry Lane and Ten Lane. This parcel is located directly north of and adjacent to our Nampa facility.

The Amalgamated Sugar Company LLC is a grower-owned food processing facility that has operated in the Nampa area since 1942. Our Nampa facility, which employees approximately 500 people, processes sugarbeets into granulated sugar and other byproducts. Amalgamated is fully committed to being a good neighbor.

Based on recent discussions Amalgamated and the City of Nampa have had regarding land use in this area, the proposed zoning change to Healthcare (HC) appears to be a change in the City of Nampa’s future land use plans (see City of Nampa’s Future Land Use) for Industrial Light and Industrial Heavy zoning, and to be inconsistent with existing zoning of adjacent properties located east and northeast of this parcel (see map). These properties are designated as light industrial (IL) and heavy industrial (IH). This proposed zoning change appears likely to create future conflicts with the existing adjoining land uses without appropriate building design considerations associated with the rezoning. Based on visual observations, the 21-acre parcel is currently farmed and likely zoned as agriculture. Maintaining an agricultural or light industrial designation or providing appropriate building design considerations would reduce future conflicts between industrial operations and Healthcare (HC) zoning.

In closing, Amalgamated has good relations with surrounding neighbors, and we are concerned that the rezoning request for the 21-acre parcel is a change to the City of Nampa’s future land use plans for Industrial Light and Industrial Heavy zoning, and is inconsistent with existing zoning of adjacent properties located east and northeast of this parcel (see map), and should be carefully evaluated by the City based on these factors.
Public Hearing No. 2:
Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 West St Luke’s Dr, 9850 West St Luke’s Dr, 9860 West St Luke’s Dr, 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW ¼ of Section 9 T3N R2W BM) for The Land Group representing St Luke’s Regional Medical Center Ltd (ZMA-00103-2018). ACTION ITEM.

Public Hearing Item No. 3:
Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane (Two parcels totaling 21.511 acres located in a portion of the NW ¼ of Section 9 T3N R2W BM), for the Land Group, representing St Luke’s Regional Medical Center Ltd. (ANN-00110-2018). ACTION ITEM

Chairman McGrath proceeded to public hearing for Public Hearing Items 2 and 3:

Tamara Thompson of The Land Group, 462 E Shore Dr, Eagle – representing the applicant:
- Ms Thompson noted the Public Hearing Item No. 2 related to 5 parcels, comprising approximately 33.08 acres, currently zoned BC. The applicants were proposing HC zoning, which is the City of Nampa Healthcare zoning district.
- The second public hearing, continued Ms Thompson, related to the 21.51-acre property adjacent to and to the east of the existing hospital, planned as an expansion property for future development.
- The existing hospital uses and future uses would be more consistent with the HC zone and therefore the intent was to zone all the St Luke’s properties to HC and require any future development to comply with the HC zoning requirements.
- Ms Thompson stated the proposed Rezone to HC, and Annexation and zoning to HC would be consistent with the existing development, and the Development Agreement attached to the existing hospital property and would be harmonious with the surrounding land uses.
- Kehoe inquired about the proposed Helipad site at the southwestern corner of the property. Ms Thompson stated the Helipad was not currently in the plan, and the parcel at the southwestern corner was now proposed for the MSTI (Mountain States Tumor Institute) facility.
- Kirkman inquired about the area to the east requesting annexation, and Ms Thompson stated it could be for both hospital expansion and medical facilities.
- In response to a question from Kehoe, Ms Thompson stated there was an option in place to purchase the property.

Planning Director Holm:
- Holm reviewed the Staff Report and recommended conditions of approval for both the Annexation and HC zoning and the Rezone from BC to HC.
- St Luke’s has reviewed the HC Zoning Code in the Ordinance, continued Holm, and determined it would be a good idea to initiate.
- No communications have been received from neighboring property owners or businesses, stated Holm.
- Holm considered it did make sense for St Luke’s to plan for the future by annexing the property on the east side of the hospital and getting the HC zoning in place, so they can plan for the future under the HC criteria.

Chairman McGrath proceeded to public testimony.

Dave Hawk of Amalgamated Sugar Company, 138 W Karcher Rd, Nampa – Undecided:
- Mr Hawk stated he was the plant manager at Amalgamated Sugar Company’s Nampa facility located at 138 W Karcher Rd, Nampa.
- According to Mr Hawk, Amalgamated Sugar had been in the area since 1942, has over 500 employees, and processed sugar beets to granulated sugar and other byproducts.
- Amalgamated Sugar Co, continued Mr Hawk, was committed to be a good neighbor, and had been in recent discussions with the City of Nampa regarding the land use of the subject area and the proposed zoning changes.
- Healthcare, suggested Mr Hawk, would appear to be in direct conflict with the City of Nampa’s Comprehensive Plan for the future. The map indicates both Light Industrial and Heavy Industrial for the subject area.
• The 21-acre site, proposed for annexation, stated Mr Hawk, was currently farmed in the County.
• Maintaining an Agricultural or Light Industrial designation, or providing appropriate building design considerations, added Mr Hawk, would reduce the future conflicts from the subject parcel being zoned Healthcare.
• According to Mr Hawk, during discussions with the City, the City had reassured the company the adjacent lands would stay as Light Industrial or Heavy Industrial designations.
• Discussion followed regarding the fact the Amalgamated Sugar Co had been operating in that location since 1942.
• Chairman McGrath inquired if Amalgamated Sugar Co had any discussions with St Luke’s or The Land Group regarding their plans.
• Mr Hawk stated there had been discussions in the past with St Luke’s regarding Amalgamated Sugar Co plans, however, receipt of the Legal Notice from the City was the first the company had heard about the proposed annexation and HC zoning.
• Mr Hawk indicated the location of the Amalgamated Sugar Co water ponds directly to the south, the location across the road for the dirt from processing, and the farm ground to the north and east.
• At the present time, with the Light Industrial Future Land Use designations, there would be a distance between the sugar factory property and the hospital property.
• Kirkman noted Amalgamated Sugar was already located there.
• Mr Hawk agreed Amalgamated Sugar had been there a long time, and the City had grown up around the facility, however, that did not reduce the impact from the neighbors regarding issues that might arise with Amalgamated Sugar operations.
• The plant, continued Mr Hawk, processes over 12,000 tons of sugar beets a day, and with that processing there was a certain amount of aroma, even with all the pollution control devices currently in place.

Tamara Thompson:
• Ms Thompson considered although Mr Hawk was talking about potential conflicts, there was nothing specific.
• Discussion followed regarding Amalgamated Sugar Co property operating since 1942 and the fact their land was located adjacent to the requested annexation property precluded any complaints by St Luke’s.
• Ms Thompson noted the existing hospital was already there and there had been no issues. The proposed annexation land was right next door.
• Kehoe noted the odor from the plant and Ms Thompson stated the existing hospital was already in place and there had been no issues.
• The plan stated Ms. Thompson was to create a quality healthcare campus in Nampa.
• The applicants, reported Ms Thompson, had read the Staff Report and agree with the Staff recommended conditions of approval.

• Holm noted the existing hospital facility was located within the Business Park designation on the Comprehensive Plan Future Land Use Map. The additional piece to be annexed, directly to the east, was on the dividing line where the map converts to Light Industrial as indicated on the Comprehensive Plan map.
• That line, stated Holm, as stated on the Comprehensive Plan Future Land Use Map, can be adjusted to include the parcels on either side.
• Holm considered the issue could also be addressed during the upcoming Update of the Comprehensive Plan.
• Discussion followed regarding removing 21acres from the Light Industrial Comprehensive Plan Future Land Use map designation.
• Garner considered the City opened the door when the Treasure Valley Marketplace and the hospital were approved for those locations.
• Miller noted the hospital would be going forward with their plans to the east being fully aware of the Amalgamated Sugar Company facilities next door.

Kehoe motioned and Kropp seconded to close public hearing. Motion carried.
0 Cherry Lane (5 parcels totaling 33.08 acres), for The Land Group, representing St Luke’s Regional Medical Center, Ltd, subject to:

**General:**

1. At time of development of the site, the developer shall extend all public utilities to and through the site in accordance with current City Policy and Master Plans. These improvements will include, but not be limited to:
   a) Sewer main and service(s)
   b) Water main and service(s)
   c) Pressure Irrigation
   d) Storm drainage – both on and off-site.
   e) Gravity Irrigation – Either continued delivery to, or wastewater from adjacent properties.

2. Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary, for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

3. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a) Domestic Well – the Idaho Department of Water Resources.
   b) Septic Systems – Southwest District Health Department.
   c) Copies of all related documents certifying the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

**Access and Right-Of-Way:**

1. With Development of the property, access points will be required to meet the current adopted Access Management Policy.

   a) East Cherry Lane – Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.

Motion carried.

**Public Hearing No. 3:**

Kehoe motioned and Kropp seconded to recommend to City Council Annexation and HC zoning for property located at 0 Cherry Lane and 0 Ten Lane, two parcels totaling 21.511 acres for The Land Group, representing St Luke’s Regional Medical Center, Ltd, subject to:

**General:**

1. At time of development of the site, the developer shall extend all public utilities to and through the site in accordance with current City Policy and Master Plans. These improvements will include, but not be limited to:
   a) Sewer main and service(s)
   b) Water main and service(s)
   c) Pressure Irrigation.
   d) Storm drainage – both on and off-site.
   e) Gravity Irrigation – Either continued delivery to, or wastewater from, adjacent properties.

2. Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary, for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

3. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
   a) Domestic Well – the Idaho Department of Water Resources.
   b) Septic Systems – Southwest District Health Department.
   c) Copies of all related documents certifying the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

**Access and Right-Of-Way:**

Nampa Planning and Zoning Commission Meeting – February 12, 2019
Page 11
3. With Development of the property, access points will be required to meet the current adopted Access Management Policy.

   a) East Cherry Lane – Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of East Cherry Lane.

Motion carried.
PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 18 March 2019

PUBLIC HEARING ITEM
STAFF REPORT

Analyst: Kristi Watkins

Applicant(s)/Representative(s):
Trilogy Idaho/Kent Brown, Representative

File(s): ANN 111-18 & SPP 038-18

Project Name/Type: Kinghorn Place Subdivision
(218 single-family residential lots & 12 common lots)

Requested/Needful Action Approval(s)/Recommendation(s) [1 total]:

1. Annexation and Zoning Assignment of Land to RS-7
   (Decision Required: Decision)

In order to facilitate build-out of a 230 lot (218 building and 12 common lots) detached, single-family residential subdivision on the land area referenced hereafter (hereinafter, collectively, the “Project”, alternatively the “Development”, or “Application package”, or “Entitlements”)... 

Pertaining to:
A 63.5-acre portion of land identified as Parcel # R3435600000 & R3435601200 located in the SE ¼ of Section 33, T4N, R2W, BM, Canyon County and located on the west side of Northside Blvd and north of Ustick rd, (hereinafter the “Property”)...

History:

The Nampa City Planning and Zoning Commission, during their scheduled public meeting of February 12, 2019, voted to recommend to the City Council that they approve the above annexation and zoning assignment request. Subsequent to that action, the Commission voted to approve the above referenced preliminary plat request. The Commission made their zoning entitlement recommendation and their plat approval contingent on Developer/Development compliance with the following condition(s):
As pertaining to the requested Project/Subdivision approval:

1. Requirements imposed by the Nampa Engineering Division listed in the memo authored by Daniel Badger on February 12, 2019:
   a. Dedicate the required 50' from section line for ROW for Northside Blvd,
   b. Dedicate the required 40' from section line for ROW for Spruce Street,
   c. The construction of the irrigation station will need to be coordinated with the construction of the Hartland Subdivision to the east,
   d. To provide domestic water to this site, construction will need to be coordinated with the Hartland Subdivision to the east or brought in from the intersection of Madison and Ustick,
   e. A Pedestrian crossing shall be installed with Phase 1 of this development to cross Northside at Marigold St,
   f. Provide a Geotech report for review and approval,
   g. Install northbound and southbound left turn lanes at the intersection of Northside and Marigold,
   h. Install southbound right turn lane at the intersection of Northside and Marigold St.

   Provide a timing/phasing schedule for construction of the traffic mitigations or the improvements will be required with the first phase of development.

2. Make necessary street name corrections as listed in a February 6, 2019 email printout from the Nampa City Engineering Division, GIS Section, authored by Alex Main; and,

3. Dedicate an area 20' (feet) from the top of bank along the north side of Mason Creek, within the common lot 13, block1, to the City of Nampa and emplace a pathway within said area, per a January 09, 2019 email printout from the Nampa Parks Department authored by Cody Swander; and,

4. A 5' wide pathway connection is to be provided from Fern Leaf Way to the 12' pathway along Mason Creek through the open space located in Lot 13, Block 1, adjacent to Lot 25, Block 1, see attached memo Planning Memo authored by Doug Critchfield on February 6, 2019; and,

5. Recognize easements in place for Pioneer Irrigation and Bureau of Reclamation as per the January 14, 2019 letter from Pioneer Irrigation authored by Mark Zirschky; and,

6. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,

7. Prior to filing for a final plat approval for any portion of the Project, the Developer's engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City; and,
Staff has provided the City Council with all of the relevant report/packet documentation or visual information available to us at the time this report was generated. We anticipate that the Applicant's representative(s) may have visual displays of their concept plan for the build-out of the Property at the City Council's public hearing wherein the application package associated with this report will be vetted.

ANNEXATION/[RE]ZONING CONCLUSIONS OF LAW

10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted Comprehensive Plan for the neighborhood.

Notification of the City Council hearing was done in accordance with legal requirements. An environmental impact study (EIS) was not called for in conjunction with the Application package submittal as such is not normally required saved when called for by City Engineering under special circumstances. Any extant street frontage improvements along Northside Boulevard, should the Application be approved, will be required to be emplaced at the time of Project build-out per adopted City policy and practice. No taking of other parties' property(ies) will be effectuated should the Project develop. In Nampa's case, street improvements and school construction accompany and follow, respectively, land development.

FINDINGS OF FACT & NOTES REGARDING ANNEXATION/[RE]ZONING

Zoning: Regarding Applicant's Zoning Map Amendment Request (to RS-7) Staff finds:

1. **Current Jurisdiction/Status:**
   That the Property is currently within Nampa City's Impact Area, and, is either owned or optioned by the Applicant or that the Applicant has the Property owner's permission to apply for the entitlement and plat applications made the subject of this report; and,

2. **Current and Surrounding Zoning:**
   That the Property is presently under Canyon County jurisdiction. See the attached Vicinity Map; and,

   Existing zoning:
   - **North:** AG (Agricultural Canyon County zoning)
   - **South:** AG (Agricultural Canyon County zoning)
   - **East:** RS 7
   - **West:** AG (Agricultural Canyon County zoning)

3. **Immediately Surrounding Land Uses:**
   Agriculture, Religious facility, Elementary school, Rural residential, open land and suburban single-family residential land uses surround or lie near the Property; and,

4. **Proposed Zoning:**
   That the proposed RS 7 district, "...is intended for medium density, urban single-family residential and compatible uses. A stable and healthful environment, together with the
full range of urban services, makes this an important land use district within the community; and,

5. **Reasonable:**
   That it may be variously argued that consideration for annexing the Property is reasonable given that: a) the City has received an application to annex the Property by amending its official zoning map by the Property owner or an Applicant having a valid, legal interest in the same; and, b) annexation and zoning assignment is a legally recognized legislative act long sanctioned under American administrative law; and, c) that the Applicant intends to develop all or a portion of the Property; and, d) City utility services are, or may be made, available to the Property; and, e) emergency services are available to the Property; and, f) that the Property abuts City land zoned for residential (RS) subdivision development; and, g) land uses in the nearby area, and, more particularly site development both suggest that RS zoning would be an acceptable fit for the area (other properties) given that RS zoning was already approved for the properties to the west; and,

6. **Public Interest:**
   That Nampa has determined that it is in the public interest to provide varying residential-housing opportunities for its citizens and the current real estate market is pressing a need for additional housing inventory/product; and,

7. **Promotion of Zoning Purpose(s):**
   That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our zoning regulations, therefore, are standards governing residential development which pertain to allowable land uses, building setbacks, building aesthetics, provision of parking and service drives, property landscaping, etc. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the RS Zone’s already adopted regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.); and,

8. **Comprehensive Plan:**
   The Property is positioned in a “Medium Density Residential” (MDR) “setting” per the Future Land Use Map associated with the City’s adopted Comprehensive Plan. Said setting sanctions buildout of residential subdivisions with net density yields of 4-9 dwelling units/acre. The Development proposes a density of 3.48 dwelling units per acre; and,

9. **Services:**
   That utility and emergency services are, or can be made, available to the Property...
RECOMMENDATION and CONDITIONS OF APPROVAL

Recommendation:
Given the findings noted above, annexation and zoning to RS 7 zoning is certainly an appropriate request and is recommended for approval for the referenced Property...

As Pertaining to the Annexation/Zoning Entitlement Request:
N/A at the time of this report’s publication…a Development Agreement may be required, especially if Council wishes to regulate (generally) site design, dwelling unit density, building aesthetics or location placement above and beyond what the RS 7 Zone prescribes [and in reaction to future, possible, building construction on the Property]; however, Staff finds no reason, in this instance, to recommend that course of action.

ATTACHMENTS

- Copy of zoning “Vicinity Map” (page/Exhibit 6)
- Copy of Applicant’s representative’s Project narrative (pages/Exhibits 7)
- Copy of Annexation/Zoning & Preliminary Plat Applications (page/Exhibit 8-10)
- Copy of an aerial ArcGIS image of the Property and surrounds (page/Exhibit 11)
- Copy of the Future Land Use Map pertaining to the Property (page/Exhibit 12)
- Copy [reduced] of the preliminary plat plan pages (page/Exhibit 13-15)
- Copy of the February 12, 2019 P & Z Commission hearing minutes (page/Exhibit 16-19)
- Copy of [any] inter-departmental/agency/citizen correspondence (pages/Exhibits 20+)
Annexation and Zoning of two parcels to RS7 and Preliminary Plat approval for Kinghorn Place Subdivision
ANN-00111-2018 & SPP-00038-2018

Visit Planning & Zoning at cityofnampa.us for more info.

1/30/2019

For illustrations prepared only.
December 19, 2018

Nampa City Planning & Zoning Department
411 Third Street SO
Nampa ID 83651

RE: Kinghorn Place Preliminary Plat and Annexation

Dear Commissioners,

On behalf of Corey Barton, we respectfully request the City of Nampa’s approval of an annexation to RS 7 zone and preliminary plat approval for Kinghorn Place. The Kinghorn Place Subdivision is a 221 single family residential lot subdivision with 12 common lots. Kinghorn Place has an overall density of 3.48 dwellings per acre. The common lots encompass 6.33 acres or 10% of the subdivision, which include: pedestrian pathways with adjoining park areas that border Mason Creek, and micro pathways interconnecting the entire Kinghorn Place Subdivision.

This subdivision is located between the west side of Northside Blvd and approximately 1050 feet north of Ustick Road. The site is also on the east side of the Mason Creek.

**Annexation**

Water and sewer services are extendable and will be provided to all Kinghorn Place residents.

Kinghorn Place complies with the City’s Comprehensive Plan designation for the site of Medium Density Residential (MDR).

**Summary**

Kinghorn Place Subdivision is single family residential subdivision in a RS 7 zone and has 221 residential lots and 12 common lots. This preliminary plat is an appropriate fit for this area of Nampa and will be a valuable single-family neighborhood. The pathway bordering Mason Creek, with the combination of park areas and micro pathways connecting the overall neighborhood can be enjoyed by all the residents. The park areas are accessible through sidewalks and micro pathways throughout the neighborhood.

Please contact me if you have any questions regarding this application.

Sincerely,

[Signature]

Kent Brown
Planner
**APPLICATION FOR ANNEXATION/ZONING**

**PLANNING AND ZONING DEPARTMENT**

411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261

Nonrefundable Fee: $452.00 (1 acre or less) Nonrefundable Fee: $910.00 (more than 1 acre)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Home Number</th>
<th>Street Address</th>
<th>Mobile Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRILOGY IDAHO</td>
<td>208-895-8858</td>
<td>9839 W CABLE CAR ST</td>
<td></td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
</tr>
<tr>
<td>Property Owner Name</td>
<td>Home Number</td>
<td>Street Address</td>
<td>Mobile Number</td>
<td>Email</td>
</tr>
<tr>
<td>COREY BARTON</td>
<td>208-895-8858</td>
<td>1977 E OVERLAND ROAD</td>
<td></td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
</tr>
</tbody>
</table>

**ADDRESS OF SUBJECT PROPERTY:** 0 NORHSIDE BLVD

**Please provide the following required documentation**

- Completed Application
- A copy of one of the following: Warranty Deed, Proof Of Option, Earnest Money Agreement
- Signed & Notarized Affidavit of Legal Interest (attached). Form **must** be completed by the legal owner. (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
- Original Legal description of property AND a legible WORD formatted document with Closure Calcs (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

**Project Description**

- State the zoning desired for the subject property: **RS 7**
- State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property: **SEE ATTACHED LETTER**

Dated this **15th** day of **Nov.** 2018

**Applicant Signature**

**NOTICE TO APPLICANT**

This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. Notice shall also be posted on the premises of the subject property not less than 1 week prior to the hearings. Notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

**OFFICE USE ONLY**

**FILE NUMBER:** ANN-111-2018 **PROJECT NAME** Annex + Zoning to RS-7

12/11/13 Revised
### A. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Subdivision Name</th>
<th>KINGHORN PLACE SUBDIVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acres</td>
<td>63.50ac</td>
</tr>
<tr>
<td>Intended Land Uses</td>
<td>(residential, single-family, multi-family, commercial, industrial)</td>
</tr>
<tr>
<td>Property Address(es)</td>
<td>0 NORTHSIDE BLVD</td>
</tr>
<tr>
<td>Legal Description</td>
<td>SEE ATTACHED</td>
</tr>
<tr>
<td>Canyon County Parcel Account Number(s)</td>
<td>R3435601200 ; R3435600000</td>
</tr>
<tr>
<td>Existing Zoning. (Circle one)</td>
<td>RA RS RSM RD RML RMH RP BN CB BF IP IL IH AG</td>
</tr>
<tr>
<td>(County Zoning)</td>
<td>AG</td>
</tr>
</tbody>
</table>

### B. OWNER/APPLICANT INFORMATION

#### Owner of Record

<table>
<thead>
<tr>
<th>Name</th>
<th>COREY BARTON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>1977 E OVERLAND ROAD</td>
</tr>
<tr>
<td>City</td>
<td>MERIDIAN</td>
</tr>
<tr>
<td>State</td>
<td>IDAHO</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-895-8858</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
</tr>
<tr>
<td>Fax</td>
<td></td>
</tr>
</tbody>
</table>

#### Applicant

<table>
<thead>
<tr>
<th>Name</th>
<th>TRILOGY IDAHO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>9839 W CABLE CAR ST</td>
</tr>
<tr>
<td>City</td>
<td>BOISE</td>
</tr>
<tr>
<td>State</td>
<td>IDAHO</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-895-8858</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
</tr>
<tr>
<td>Fax</td>
<td></td>
</tr>
</tbody>
</table>

#### Engineer/Surveyor/Planner

<table>
<thead>
<tr>
<th>Name</th>
<th>BAILEY ENGINEERS / IDAHO SURVEY GROUP / KENT BROWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>4242 BROOKSIDE LA / 9955 W EMERALD ST / 3161 E SPRINGWOOD DR</td>
</tr>
<tr>
<td>City</td>
<td>BOISE / BOISE / MERIDIAN</td>
</tr>
<tr>
<td>State</td>
<td>IDAHO / IDAHO / IDAHO</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-938-0013 / 208-846-8570 / 208-871-6842</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:DBAILEY@BAILEYENGINEERS.COM">DBAILEY@BAILEYENGINEERS.COM</a> / <a href="mailto:GCARTER@IDAHOSSURVEY.COM">GCARTER@IDAHOSSURVEY.COM</a></td>
</tr>
<tr>
<td>Fax</td>
<td>/ <a href="mailto:KENTLKB@GMAIL.COM">KENTLKB@GMAIL.COM</a></td>
</tr>
</tbody>
</table>
C. SUBDIVISION INFORMATION

<table>
<thead>
<tr>
<th>Lot Types</th>
<th>Number of Lots</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>221</td>
<td>40.53</td>
</tr>
<tr>
<td>Dwelling units per acre (gross/net)</td>
<td>3.48 / 4.75</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Common (Landscape, Utility, Other)</td>
<td>12</td>
<td>5.94</td>
</tr>
<tr>
<td>Open Space</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>233</td>
<td>63.50</td>
</tr>
</tbody>
</table>

DEADLINES FOR SUBMITTALS
The completed application and plat documents must be submitted to the Planning Department not later than _______. The Planning Commission meets on ____________; applications are due approximately _______ weeks prior to that date.

All supplemental information to be added to the application file must be received by the Planning Department no later than 15 days prior to the public hearing date.

***Please do not submit a subdivision application until all items are completed. Incomplete applications will not be accepted or reviewed.***

I understand:
1. This application is subject to acceptance by the City of Nampa upon determination that the application is complete.
2. The hearing date is tentative and subject to change with notice.
3. This application is subject to a public hearing before the Nampa Planning and Zoning Commission.
4. The application fee is non-refundable.

All information, statements, attachments, and exhibits included with this application submittal are true to the best of my knowledge.

Signature ________________________________ Date 11-15-18

For City Use Only

FEE $: __________ CASH: _______ CHECK: _______ RECEIPT NO.: _______

DATE RECEIVED: _______ RECEIVED BY: __________ HEARING DATE: _______
KINGHORN PROJECT LOCATION

ANN-00111-2018 & SPP-00038-2018
12/19/2018
In Review

KINGHORN SUBDIVISION
COMP PLAN
MEDIUM DENSITY

Visit Planning & Zoning
at cityofnampa.us
for more info.

2/12/2019
For illustrative purposes only

ANN-00111-18
Annexation and Zoning to RS-7 (Single Family Residential – 7,000 sq ft) at 0 Northside Blvd, and Subdivision Preliminary Plat Approval for Kinghorn Place Subdivision on the south side of Spruce St, west of Northside Blvd. (A portion of the SE ¼ of Section 33 T4N R2W BM – 218 Single Family Residential Detached lots and 12 Common Lots on 63.50 acres, or 3.48 dwelling units/gross acre) for Trilogy Idaho – Corey Barton (ANN-00111-2018 and SPP-00038-2018). ACTION ITEM

Chairman McGrath proceeded to public hearing.

Kent Brown of 3161 E Springwood, Meridian – representing the applicant:
- Mr Brown considered that with the proximity to the school on the east side of Northside Blvd, it would be a good location for a residential development.
- The sewer lift station, added Mr Brown, was just around the corner to the subject property and therefore it would make sense for the proposed development to be coming before the Planning Commission for approval.
- According to Mr Brown, the City had been looking for a pathway along Mason Creek and the proposed development was located adjacent to Mason Creek, on the north side of the creek.
- Mr Brown indicated the pathways and open space proposed for the development, which would then connect to a City regional pathway and would make for a nice amenity within the development.
- Staff, explained Mr Brown, has recommended the applicants work with the City and the Highway District to make a safe pedestrian connection to the school on the east side of Northside Blvd.
- The proposed subdivision, stated Mr Brown, complied with the RS-7 zoning district and the 8,025 sq ft average lot size. There would also be some smaller lots, as allowed, under the RS-7 zoning district, located closer to the center of the development.
- The Kinghorn Place Subdivision, continued Mr Brown, would complement the Hartland Subdivision, already approved for the east side of Northside Blvd.
- In response to a question from Chairman McGrath, Mr Brown discussed the proposed school crossing to East Canyon Elementary School. Mr Brown stated City Engineer Badger has a recommendation for that crossing, and the applicant has already agreed to provide that crossing per the City Engineer’s requirements.
- Kehoe inquired about the price range for the subdivision and Mr Brown responded the price range would be approximately $250,000 to $350,000.

Senior Planner Watkins:
- Watkins stated the Kinghorn Place Subdivision had requested annexation with an RS-7 zoning designation, and Preliminary Plat approval for a 218 residential and 12 common lot development.
- The property, continued Watkins, was currently contiguous to existing City limits to the east.
- Emergency services and utilities were available to the subject property, reported Watkins.
- The request for RS-7 zoning designation met the intent of the Comprehensive Plan Future Land Use designation of Medium Density Residential, proposing 3.4 dwelling units per acre for the subdivision.
- According to Watkins, the Preliminary Plat layout also met the RS-7 zoning requirements pertaining to the minimum allowable square footage for the lots, and for also for the overall average available square footage of 8,000 sq ft.
- Watkins stated the proposed plat met the Code requirements for lot width, depth and frontage improvements.
- The location of the proposed Kinghorn Place Subdivision in proximity to East Canyon Elementary School would promote a walkable environment, and access to greenbelts and the school.
- Watkins indicated the revised Staff Report, with the adjustment to the lot count in order to meet the overall lot average. Watkins also noted the Engineering Division memorandum received today.
- Watkins reviewed the Staff Report and recommended conditions of approval.

Chairman McGrath proceeded to public testimony.

Ton Walsh of 1485 N Eagle Creek Way, Eagle – In favor
- Mr Walsh advised he was the developer of the 53-acre, 158 lot, Hartland Subdivision, directly east, on the east side of Northside Blvd.
- Mr Walsh stated he was in favor of the proposed Kinghorn Place Subdivision, and noted it appeared to be well designed with larger lots.
According to Mr Walsh he had been contacted regarding participating with the Kinghorn Place Subdivision developer to provide a safe crossing for the children to the East Canyon Elementary School.

Mr Walsh stated they had agreed, in writing, to participating in the school crossing, and sharing the costs with the Kinghorn Place Subdivision developer.

Mr Walsh discussed the easements for the water line from the Ridgave High School on Madison Rd, directly west and then down through the Hartland Subdivision property, adjacent to the subject property, and added they would work in conjunction with the Kinghorn Place Subdivision developer.

The sewer line, added Mr Walsh, would come up from the Purdam facility, across the frontage of both the Hartland Subdivision and Kinghorn Place Subdivision properties.

The price range for the Hartland Subdivision, continued Mr Walsh, would be $350,000 to $450,000 so would not be in direct competition with the Kinghorn Place Subdivision.

The proposed subdivision, suggested Mr Walsh, would add to the tax base.

Mr Walsh reviewed the phasing for construction for the Hartland Subdivision.

Melodee Barrus of 18189 Northside Blvd, Nampa – Opposed:

Ms Barrus stated her 23 ½ acre farm was located on the northwest corner of Ustick and Northside Blvd.

Her family, continued Ms Barrus, purchased the property 44 years ago and has lived there ever since.

Ms Barrus added that she personally had lived in the 117-year-old farmhouse for almost 13 years because she liked the clean air, quality of life and quiet location.

Ms Barrus voiced concern regarding the subdivision location right on her north property line.

She had animals, chickens and roosters that crow at 4:00 a.m., reported Ms Barrus, and questioned how that would impact the neighbors right along her property line.

According to Ms Barrus, the proposed subdivision should have a berm, trees or park along her whole property line.

Ms Barrus also voiced concern regarding difficulty getting out of her driveway or making a left turn due to the traffic from the proposed Kinghorn Place Subdivision, and the Hartland Subdivision on the east side of Northside Blvd.

The impact on Mason Creek, the air quality and the water quality were also discussed by Ms Barrus, as well as dogs and people coming on to her property from the adjacent subdivision.

Ms Barrus questioned if there would be an impact to her irrigation ditch for her farmland.

Ms Barrus inquired the location of the proposed subdivision entrances and Chairman McGrath stated there was one entrance on to Northside Blvd and two on the north to Spruce St.

Ms Barrus voiced concern regarding the future 5G Network coming in next year and the health impacts involved from small cell storage and radiation that would be located in front of every two or three houses.

Would Northside Blvd be widened, inquired Ms Barrus, and would there be a traffic light or a roundabout at Ustick Rd and Northside Blvd.

Kent Brown:

Mr Brown stated he was not familiar with 5G.

Kehoe stated he had recently read an article regarding 5G but there was nothing in the article about adverse side effects.

According to Mr Brown, there would be a fence along the southerly boundary of the subject property, being the rear yards of the homes on the southerly boundary and considered the south facing yards would be more of a buffer to the property to the south.

There would also be a note on the plat regarding the Right to Farm for adjacent properties.

The Irrigation District, added Mr Brown, would not permit a fence across the ditch on the southern boundary.

Mr Brown suggested it was an ideal location for a residential development to be near an existing school that has been there all by itself for a long period of time and would be a good mix with the neighboring Hartland Subdivision.

Chairman McGrath inquired about the school crossing between the proposed subdivision and the elementary school, which would be a big change for Northside Blvd.
• **Badger** stated it would be similar to the Rapid Rectangular Flashing Beacons that were installed for the East Valley Middle School on E Greenhurst Rd.

• Badger advised that crossing would typically comprise a street light, and flashing beacons activated by pedestrians. There was already an existing speed zone there for the school, continued Badger, during school drop-off and pick-up times. It would then be an additional warning beacon for the pedestrian traffic crossing Northside Blvd and would be a standard for this type of crossing on an arterial.

• In response to a question from **Chairman McGrath** regarding road improvements, Badger stated that the traffic impact study requirements would be for southbound and northbound left turn lanes at the N Marigold St entrance. The developer would also be required to mitigate the existing background traffic existing at Northside Blvd and Linden and Ustick and Linden, added Badger.

• **Kehoe** inquired about the concerns with 5G brought up by Ms Barrus.

• Badger replied the city has had conversations with a number of carriers and at this point they are not looking to go into any residential areas. They would be focused more in the downtown areas with a higher density of users and would not anticipate a high demand for small cells within residential neighborhoods such as the Kinghorn Place Subdivision.

• Kirkman inquired how the speed limit could be reduced on Northside Blvd and similar roads with schools. Badger stated the data was taken from radar tracking over a period of time to calculate the 85th percentile speeds. The other obvious factors, continued Badger, would be schools with a reduced speed zone, crash history, etc.

• Badger discussed additional criteria and timing for establishing speed zones.

**Miller motioned and Kirkman seconded to close public hearing. Motion carried.**

• **Van Auker, Jr** considered the developer had done a nice job with the land, open space and pathways, and the school across the street. Van Auker, Jr stated he was in support of the annexation and RS-7 zoning for the proposed Kinghorn Place Subdivision and noted the elementary school across the street and Ridgevue High School already in place to the east.

**Annexation and Zoning to RS-7:**
Van Auker, Jr motioned and Kropp seconded to recommend to City Council Annexation and RS-7 zoning for 63.50 acres at 0 Northside Blvd, on the south side of Spruce Street, on the west side of Northside Blvd, for Trilogy Idaho - Corey Barton, subject to:

1. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of the matter.

**Motion carried.**

**Kinghorn Place Subdivision Preliminary Plat:**
Van Auker, Jr motioned, and Miller seconded to approve the Preliminary Plat for Kinghorn Place Subdivision, for 218 Single Family Residential Detached Lots and 12 common lots at 0 Northside Blvd, on the south side of Spruce Street, on the west side of Northside Blvd, for Trilogy Idaho - Corey Barton, subject to:

1. Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of the matter, including, specifically, the following:

2. Requirements imposed by the Nampa Engineering Division in their memorandum dated February 12, 2019, authored by Daniel Badger.

3. Work/Partner with the City on installation of a crosswalk treatment (extent of treatment to be determined by the Nampa Engineering Division) located at the proposed Marigold Street location.

4. Make necessary street name corrections as listed in a February 6, 2019 e-mail printout from the Nampa City Engineering Division, GIS Section, authored by Alex Main.

5. Dedicate an area 20 ft from the top of bank along the north side of Mason Creek, within the Common Lot 13, Block 1 to the City of Nampa and emplace a pathway within said area, per a January 9, 2019 e-mail printout from the Nampa Parks Department authored by Cody Swander.

6. A 5 ft wide pathway connection is to be provided from Fern Leaf Way to the 12 ft pathway along Mason Creek through the open space located in Lot 13, Block 1, adjacent to Lot 25,

**Nampa Planning and Zoning Commission Meeting – February 12, 2019**

**Page 14**
Block 1, as noted in the memorandum from the Planning and Zoning Department, authored by Doug Critchfield on February 6, 2019.

7. Recognize easements in place for Pioneer Irrigation and Bureau of Reclamation as per the January 14, 2019 letter from Pioneer Irrigation authored by Mark Zirschky.

8. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable.

9. Prior to filing for a Final Plat approval for any portion of the Project, the Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised Preliminary Plat plan set that shall be remitted to the City.

Motion carried.

Meeting adjourned at 9:32 p.m.

Norman L Holm, Planning Director

Nampa Planning and Zoning Commission Meeting – February 12, 2019
Page 15
DATE: February 12, 2019
TO: Planning and Zoning Commission
FROM: Daniel Badger, P.E.
SUBJECT: Kinghorn Subdivision, Preliminary Plat

The Engineering Division has reviewed the preliminary plat for Kinghorn Subdivision and have the following comments:

- **Annexation**
  - Dedicate the required 50-feet from section line for right of way for Northside Boulevard
  - Dedicate the required 40-feet from the quarter section line for the proposed Spruce Street.

- **Preliminary Plat**
  - **General**
    - The City’s water and sewer systems have adequate capacity to serve this development.
    - The planned irrigation station at the Hartland Subdivision has adequate capacity to serve this development. This irrigation station is not yet constructed. If this development proceeds before the Hartland Subdivision the irrigation station will have to be constructed by this development with reimbursement from the City.

  - **Utilities**
    - The proposed Spruce Street is the boundary between the City of Nampa and the City of Caldwell Impact areas, therefore pressure irrigation and water are not needed in Spruce Street.
    - Currently domestic water is located at the intersection of Madison and Ustick. The Hartland Subdivision plans to bring water from Madison through its site to Northside. If this development proceeds...
that of Hartland then it will have to extend water to its boundary from the existing system.

o Roadway
  • With the addition of this development and the proximity to East Canyon Elementary a pedestrian crossing is needed on Northside Boulevard. The development shall submit location and type of the crossing for review and approval by the City and Canyon Highway District, and install said crossing with phase 1 of the development.

o Reports and Studies
  • Provide a geo-technical report per City Policy for review and approval.
  • Provide timing of the required traffic mitigations by lot count or phasing or the improvements will be required with the first phase of the development.
    • Required mitigations are:
      o Install northbound and southbound left turn lane at the intersection of Northside and Marigold.
      o Install southbound right turn lane at the intersection of Northside and Marigold.
Feb 6, 2019

RE: Kinghorn Place Subdivision - Preliminary Plat

To: Kent Brown

cc: Sylvia Mackrill

The following changes must be made prior to submitting for signatures:

- Propose new, unique street names for Coneflower Ave, Stargazer Ct, Stargazer St, Freesia Ave, and Cosmos St to the Engineering Division. Per Canyon County Code 06-05-13 (1) *There shall be no duplication of street names by sound or spelling within Canyon County including within the incorporated areas.* Refer to Street Naming and Addressing Policy in the Engineering Process and Policy Manual (rev 9/2012).
  - Coneflower Ave should be W (New Name) St
  - Stargazer Ct should be W (New Name) Ct
  - Stargazer St should be W (New Name) St
  - Freesia Ave should be N (New Name) Ave
  - Cosmos St should be W (New Name) Dr

- Propose new, unique street name for Statice Ave to the Engineering Division. Emergency Services is concerned the spelling of this name creates a sound-a-like situation which is extremely problematic for Emergency Services dispatch.
  - Statice Ave should be N (New Name) Ave

- Marigold St should be W Marigold St
- Strawflower Ave should be N Strawflower Ave
- Tuburose St should have spelling changed to W Tuberose St
- Fire Ice Ave should be N Fire Ice Ave
- Candytuft Ave should be W Candytuft Dr
- Lion Head Ave should be N Lion Head Ave
- Monkshood Ave should be N Monkshood Ave
- Spruce St should be E Spruce St
- Blue Lace St should be W Blue Lace St
- Calla Lilly Ave should have spelling changed to N Calla Lily Ave
- Platted street name configuration should be revised. Fern Leaf Way should be combined with Freesia Ave as N (New Name) Ave
Sincerely,

Alex Main
GIS Tech I
Engineering Division
City of Nampa
(208) 468-5475
MEMORANDUM

To:    Planning and Zoning Commission  
From:  Doug Critchfield, Senior Planner  
Date:  February 6, 2019  
Re:    Kinghorn Subdivision  
        Comments on Preliminary Plat Landscape Plan  
        Project: SPP-00038-2018

Landscape drawings are consistent with requirements of Nampa Comprehensive Zoning Ordinance, Chapter 33 with the following exceptions;

1. A 5’ wide connector path shall be provided from Fern Leaf Way to the Regional Pathway through the common lot adjacent to Block 1, Lot 25.
Memo

To:  Nampa Planning & Zoning Commission

From: Kristi Watkins, Senior Planner (Safe Routes To School Analyst)

cc: Name

Date: February 5, 2019

Re: Kinghorn Subdivision

The Kinghorn Subdivision located on Northside Blvd, west of the Church of Latter Day Saints, is located near:

East Canyon Elementary – Directly across Northside Blvd – Walkable, needs a crossing at Marigold St.

Sage Valley Middle School – Approximately 2 miles – Not walkable

Ridgevue High School – Approximately 1.5 miles – Not walkable
Carolynn Murray
Thursday, January 31, 2019 10:48 AM
Sylvia Mackrill
Kinghorn Place Subdivision, SPP-00038-2018, Preliminary Plat Review

Sylvia,

After reviewing the plans, the city Forester marked them “ok”.

Carolynn Murray
Administrative Coordinator
O: 208.468.5890, C: 208.371.4877
Nampa Parks – Facebook Page

Celebrating Nampa’s 20th year as a Tree City USA recipient!!

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
MEMORANDUM

To: Planning and Zoning Commission
From: Doug Critchfield, Senior Planner
Date: February 6, 2019
Re: Kinghorn Subdivision
   Comments on Preliminary Plat Landscape Plan
   Project: SPP-00038-2018

Landscape drawings are consistent with requirements of Nampa Comprehensive Zoning Ordinance, Chapter 33 with the following exceptions;

1. A 5’ wide connector path shall be provided from Fern Leaf Way to the Regional Pathway through the common lot adjacent to Block 1, Lot 25.
Sylvia Mackrill

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Monday, January 14, 2019 12:17 PM
To: Sylvia Mackrill; Daniel Badger
Cc: Amber O'Neal
Subject: SPP-00038-2018 Kinghorn Place Annexation and Zoning
Attachments: SPP-00038-2018 KINGHORN PLACE Application.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Sylvia,

Per the attached application, Pioneer Irrigation District’s 8.26 Lateral and the Bureau of Reclamation’s Mason Creek Drain may be impacted by this proposed development.

Pioneer’s 8.26 Lateral has a 16 foot easement from top of bank along both sides of the lateral.

The BOR’s Mason Creek Drain has a 110 foot federal right of way, which is 55 feet from the centerline of the drain along both sides.

Per Idaho Statutes 42-1209, written permission must be obtained by either entity, prior to any encroachment or modification to either facility.

Please provide me with the intended pressure irrigation source for this proposed development. Pioneer must review the intended supply facility to be connected to, prior to design, and verify whether or not the intended supply is sufficient.

Regards,

Mark Zirschky
Superintendent
Pioneer Irrigation District
208-459-3617
208-250-8481
January 15, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: SPP-00038-2018/ Kinghorn Place Subdivision

Dear Norm,

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application, as it lies outside of our District boundaries. Please contact Mark Zirschky of Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall
Crew Foreman
Nampa & Meridian Irrigation District
D1D/ gnf

Cc:
Office/ file
M. Zirschky, Pioneer Irrigation District
Hi Shellie,

Nampa Parks has reviewed the preliminary plat for Kinghorn Place Subdivision Project: SPP-00038-2018. We request that 20 feet from the top of bank along the north side of Mason Creek be deeded and dedicated to the City of Nampa for the Mason Pathway as indicated on the City of Nampa Bicycle and Pedestrian master plan. Further, we request that the developer install the pathway as indicated in current City of Nampa specifications, similar as is indicated on the preliminary drawings.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
January 30, 2019

City of Nampa Planning and Zoning Commission
c/o Shellie Lopez, Nampa Planning Department
411 3rd Street South
Nampa, Idaho 83651

RE: Hartland Subdivision Preliminary Plat (SPP-00038-2018)

Dear Planning & Zoning Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat for Kinghorn Subdivision, approximately 221 residential lots located on the west side of Northside Blvd approximately 3/8 mile north of Ustick Rd, and offers the following comments for your consideration:

Jurisdiction
In June 2017, CHD4 and the City entered into an Exchange Maintenance Agreement for the logical distribution of maintenance activities on roadway segments where both parties have jurisdiction. Northside Blvd between Ustick Rd and Linden Rd, which provides the sole public road access to the subject property, is one example of a road with a patchwork of jurisdiction boundaries. Under the latest version of the agreement dated September 6, 2017, Northside Blvd along the frontage of the proposed Hartland Subdivision is assigned to CHD4 for maintenance activities. The other public streets within the proposed subdivision will fall solely under the City’s jurisdiction.

Roadway Classification and Right-of-Way Widths
Northside Blvd is classified as a Minor Arterial on the functional classification maps adopted by CHD4 and by Canyon County, and in the 2012 Transportation Plan adopted by the City. The 50-ft half right-of-way proposed for Northside Blvd is consistent with CHD4 standards for an urban minor arterial.

Preliminary Plat
CHD4 offers the following comments on the preliminary plat application:

1. The pavement structural section for Northside Blvd shown on Sheet PP-3 does not appear to be adequate to support current and future traffic loads. Existing bore hole data from Northside Blvd indicates the subgrade soils adjacent to the project site are clays or sandy clays, with a reported R-value of 9. These soil conditions should be verified during design of the subdivision improvements, and a pavement design performed to provide sufficient pavement structural section to support the projected traffic loads.

2. CHD4 has not been provided an opportunity to review any Traffic Impact Study (TIS) prepared for the development. The proposed development is anticipated to have significant traffic impacts to the surrounding road network, including the intersections of Northside/Ustick, Northside/Linden, and Northside/US 20-26. Mitigation of any traffic impacts identified in the TIS should be made a condition of approval of the preliminary plat, and may include auxiliary turn lanes at the Northside/Marigold intersection, or improvements to the existing public road intersections identified above.
3. CHD4 requests that transportation impact fees collected from development within this project be used to make improvements to the Northside corridor as necessary to preserve the pre-existing levels of service on the surrounding transportation network.

Under the terms of the Exchange Maintenance Agreement, CHD4 requests that we be provided an opportunity to review and comment on any improvement plans that modify or improve Northside Blvd. These comments will be limited to a review of pavement markings, signage, or other proposed work that might affect CHD4’s maintenance and operation of Northside Blvd, or the transitions to the rural road sections on either end of the development.

Please feel free to contact me at any time with any questions on these comments.

Respectfully,

[Signature]

Chris Hopper, P.E.
Assistant District Engineer

CC: City of Nampa Engineering Department, Daniel Badger, P.E.
Communities in Motion 2040 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 goals.

**Development Name:** Kinghorn Place (SPP-00038-2018)  
**Agency:** Nampa  
**CIM Vision Category:** Future Neighborhoods

<table>
<thead>
<tr>
<th>New households: 212</th>
<th>New jobs: 0</th>
<th>Exceeds CIM forecast: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CIM Corridor:</strong> N/A</td>
<td><strong>Level of Stress</strong> considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.</td>
<td></td>
</tr>
<tr>
<td><strong>Pedestrian level of stress:</strong> R-Northside</td>
<td><strong>Housing within 1 mile:</strong> 240</td>
<td></td>
</tr>
<tr>
<td><strong>Bicycle level of stress:</strong> R-Northside</td>
<td><strong>Jobs within 1 mile:</strong> 150</td>
<td></td>
</tr>
<tr>
<td><strong>Housing within 1 mile:</strong> 240</td>
<td><strong>Jobs/Housing Ratio:</strong> 0.6</td>
<td></td>
</tr>
<tr>
<td><strong>Nearest police station:</strong> &gt;4 miles</td>
<td><strong>A good jobs/housing balance — a ratio between 1 and 1.5 — reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nearest fire station:</strong> 2.9 miles</td>
<td><strong>Nearest bus stop:</strong> 3.6 miles</td>
<td></td>
</tr>
<tr>
<td><strong>Farmland consumed:</strong> Yes</td>
<td><strong>Nearest public school:</strong> 0.1 miles</td>
<td></td>
</tr>
<tr>
<td><strong>Farmland within 1 mile:</strong> 1,636 acres</td>
<td><strong>Nearest public park:</strong> 2.4 miles</td>
<td></td>
</tr>
<tr>
<td><strong>Nearest grocery store:</strong> 3.7 miles</td>
<td><strong>Nearest library:</strong> 0.7 miles</td>
<td></td>
</tr>
</tbody>
</table>

**Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.**

**Recommendations**

This proposal exceeds growth forecasted for this area. Transportation infrastructure may not be able to support the new transportation demands. This location is still in a largely farmland area. Nearby services, such as employment centers, parks, emergency services, grocery, and other stores are likely accessed only by vehicle. The site is not currently served by public transportation and there are no plans for public transportation at this location.

The applicant proposes a pathway along Mason Creek per the 2011 Nampa Bike\Ped Plan and detached sidewalks along the south side of Spruce Street to enable safety access to East Canyon Elementary. Consider providing a pedestrian crossing of Northside Boulevard, which is currently posted at 50 miles per hour.

More Information about COMPASS and Communities in Motion 2040:
Web: [www.compassidaho.org](http://www.compassidaho.org)  
Email: info@compassidaho.org  
PUBLIC HEARING
CREATION OF LOCAL IMPROVEMENT DISTRICT (LID) 167
For Sidewalk Work in Zone ‘E’

- LID 167 will provide a funding mechanism for property owners within the identified boundaries, as shown on Exhibit “A” to construct or reconstruct curb, gutter, sidewalks, pedestrian ramps and drive approaches as an improvement to their property

- The area identified in exhibit “A” contains approximately 4,872 parcels

- Resolution of Intent number 15-2019 was passed by Nampa City Council February 19, 2019

- Notice of public hearing on this resolution was published in the Idaho Press Tribune for 3 consecutive daily issues starting on March 5, 2019

- Per City Council’s direction on February 4, 2019 to proceed with a voluntary only sidewalk LID project, Engineering has completed the following:
  - Notified all property owners included in the previously presented sidewalk LID of Council’s 2/4/19 direction.
  - Notified the remaining 44 voluntary property owners of this public hearing via letters and newspaper publication.

- $200,000.00 is the total estimated cost for the improvements. An estimated $150,000.00 of this total will be assessed to property owners for the cost of improvements. $50,000.00 of the funds will be provided by Street Division for pedestrian ramps and alley approaches

REQUEST: Council authorize creation of Sidewalk LID 167.
Date: March 18, 2019

To: Mayor Kling & City Council

From: Beth Ineck, Economic Development Director

RE: Downtown Parking Management

In accordance with City Council direction at the February 19th meeting staff has prepared an update to the parking management policies regarding time limits for downtown Nampa.

The current parking ordinance identifies that time limitations by zone can be established through City Council approval and parking policies. The applicable section of the code is identified below:

7-2-10: HOURS OF PARKING REGULATION DEFINED; PARKING ZONES:

Pricing within parking zones and loading zones, except as otherwise specified in subsection 7-2-4C of this chapter, is regulated during the time between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. of every day, unless otherwise stated on such signs; provided, however, the regulation of parking shall not include any Sunday or state holiday.

A. The parking services office will determine the designation and location of such parking zones. Parking services shall submit to the city council a written recommendation specifying the area(s) proposed for designation and the reasons for designation. Upon ratification of the recommendations, the council shall direct the parking services office to erect signs in the designated area(s) indicating the parking zone(s) and the time limits for parking.

B. Parking services will determine the days of the week that the zone will be in effect, and the hours of enforcement for such zones.

C. The parking services office will determine the design of the signs for proper posting of the zone.

D. Parking services will identify any areas in which loading zones, no parking areas, and other such items should be required or maintained for public safety or to maintain previous commitments. (Ord. 4009, 3-5-2012)

As stated in the code above, this serves as the written recommendation to City Council to revise the time limited parking in the historic district to reflect a zoned management system establishing an area of on-street parking which is regulated as 2-hour parking and a zone regulated as 4-hour parking.
The following areas are recommended to change to a 4-hour time limit:

Front Street between 12th Avenue and 14th Avenue
1st Street between 14th Avenue and 15th Avenue
1st Street between 10th Avenue and 12th Avenue
2nd Street between 10th Avenue and 12th Avenue
2nd Street between 14th Avenue and 15th Avenue
3rd Street between 10th Avenue and 15th Avenue
10th Avenue between Front and 4th Street
11th Avenue between Front and 4th Street
12th Avenue between Front and 1st Street
12th Avenue between 3rd and 4th Street
13th Avenue between Front and 1st Street
13th Avenue between 3rd and 4th Street
14th Avenue between Front and 1st Street
14th Avenue between 3rd and 4th Street

Unregulated parking will continue on 15th Avenue and 4th Street

Within the two zones there are a few areas with exceptions to the standard time limits and those will remain in effect as they exist today. Those areas include:

- 10-minute parking next to the Nampa Library on 3rd Street South
- 30-minute parking on 1st Street South adjacent to the old Nampa Library owned by Mussell Construction
- Museum only parking for employees on Front Street
This change in time restrictions will result in a budgetary impact to the Parking budget. We anticipate the need to modify 60 parking signs throughout the 4-hour zone prior to the enforcement of the new time restriction. We do not yet have an estimated cost of the modifications of those signs. Staff also anticipates a decrease in ticket revenue. For Fiscal Year 2019 we anticipate the revenue budget to decrease by at least $5,000 resulting in a net impact of $7,500 which will need to be offset with general fund balance.
RESOLUTION NO. 18-2019

RESOLUTION OF THE NAMPA CITY COUNCIL AUTHORIZING AND ADOPTING THE DOWNTOWN PARKING MANAGEMENT PLAN FOR THE CITY OF NAMPA.

WHEREAS, Nampa City Code 07-02-10 directs the parking services office to submit to City Council a written recommendation specifying the areas proposed for certain designations and the reasons for designation;

WHEREAS, upon ratification by the City Council of the recommendations, the Council shall direct the parking services office to erect signs in the designated areas indicating the parking zones and the time limits for parking;

WHEREAS, the Economic Development Director has recommended to Council that it adopt the Downtown Parking Management Plan, attached hereto as Exhibit A.

WHEREAS, the Mayor and City Council desire to approve and adopt this plan, finding it to be in the best interests of the City of Nampa;

BE IT HEREBY RESOLVED by the Mayor and Council of the City of Nampa, Idaho, that the Nampa City Council approve and adopt the DOWNTOWN PARKING MANAGEMENT PLAN.


APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO THIS 18TH DAY OF MARCH, 2019.

Approved

By __________________________
DEBBIE KLING, Mayor

ATTEST:

By __________________________
DEBBIE ROSIN, City Clerk