

RESPONSE TO COMMENTS

City of Payette, Idaho

NPDES Permit No.: ID-002067-2

Public Comment Period: July 18 - September 4, 2001

During the public comment period specified above, only the City submitted comments. This document summarizes the comments and the EPA responses to the comments.

1. **Mercury Monitoring.**

Comment. Mercury monitoring will be both costly in both monetary and physical resources (about \$400/test). Our laboratory, Analytical Laboratories, cannot test to 0.001 ug/L. We request that mercury monitoring be deleted or the method detection limit be set at 0.01 ug/L instead of 0.001 ug/L.

Response. The mercury monitoring will not be deleted. This information will be needed to help determine whether or not the receiving water should be listed for mercury and whether or not the discharge from the City is contributing to any exceedance of the criteria for mercury. The most stringent criterion is the aquatic life chronic criterion of 0.012 ug/L. Because this criterion is so low, if methods are used which indicate "not detected," it will not be clear whether or not there may be an impact on the environment. In addition, if the method detection limit used is too high, then the receiving water could be listed as impaired, since the detection limit used greatly exceeds the criterion. It is to the City's benefit to use as low a method detection limit as possible when analyzing effluent as well. If too high a method detection limit is used for analysis, the reasonable potential evaluation may indicate that an effluent limit is needed, when it might not be needed if a lower method detection limit (i.e., closer to the criterion) had been used.

EPA believes that laboratories should be capable of producing blank levels 10 times less than the regulatory compliance level. EPA recognizes that trying to achieve a method detection limit of 0.001 ug/L may cost more than achieving a 0.01 ug/L method detection limit. In the interest of easing the financial burden of mercury monitoring, EPA has revised the permit in several ways regarding mercury monitoring.

The permit has been revised to require a range of 0.01 to 0.005 µg/L for the method detection limit. The permittee now has a year in which to find a suitable laboratory before beginning the mercury monitoring. The number of samples

required have been reduced to 10 effluent (from 12 in the draft permit) as well as 10 upstream samples. The permit has also been revised to allow reduction or deletion of the mercury monitoring upon approval from EPA. Before EPA could consider the request, the permittee must show that the first five samples taken from the monitoring location resulted in non-detects in the range of 0.01 to 0.005 µg/L. Finally, the permit has been revised to allow quarterly monitoring for the mercury monitoring.

2. **Total Residual Chlorine (TRC).**

Comment. The new total residual chlorine limits are much more stringent than in the existing permit. Currently, the plant cannot meet the new requirements. Initial investigations into ultraviolet (UV) disinfection estimate the cost of installing to be about \$250,000. The City does not have any budgetary elasticity to cover this additional requirement. We request that the chlorine limits be unchanged from the current permit.

Response. As explained in the fact sheet, the reasonable potential evaluation indicated that the discharge contributes to an exceedance of the water quality criteria for chlorine. If UV or a form of non-chlorine disinfection is not used, then the effluent will need to be dechlorinated in order to achieve compliance with the effluent limitations for total residual chlorine.

The permit has been revised to include a 2-year compliance schedule in order to come into compliance with the effluent limitations for total residual chlorine. The current limits of 0.35 mg/L average monthly and 0.87 mg/L daily maximum will be retained as interim limits.

3. **River Flow Rate Monitoring.**

Comment. The draft permit requires the river flow rate to be measured during sampling. It would be very difficult for WWTP staff to determine flow independently. We suggest continuing to use the gauging station located between Fruitland and Payette.

Response. EPA agrees. EPA did not intend for the City to establish a new gauging station. The permit has been revised to clarify that river flow is to be determined from the current gauging station.

4. Facility Planning Requirements.

Comment. The facility planning section of the permit requires an update to the Facility Plan when the average flow reaches 2.4 mgd. The current Facility Plan was completed in December 1999, making it less than two years old. Current physical plant updates have been designed to carry 4.5 mgd. Based on this, we request that the average flow/Facility update trigger be increased to 2.88 mgd in accordance with the 20 year flow projection.

Response. Based on the information above, EPA has revised the permit to include a trigger of 2.88 mgd instead of 2.4 mgd. The effluent limits for total residual chlorine have also been revised based on the new flow design: 0.232 mg/L average monthly limit and 0.370 mg/L maximum daily limit. The limits in the draft permit based on a design flow of 2.4 mgd were 0.280 mg/L average monthly and 0.445 mg/L maximum daily. The loading limits do not change.

$$2.88 \text{ mgd} \times 0.232 \text{ mg/L} \times 8.34 = 5.57 \text{ or } 5.6 \text{ lbs/day}$$
$$2.88 \text{ mgd} \times 0.370 \text{ mg/L} \times 8.34 = 8.88 \text{ or } 8.9 \text{ lbs/day}$$

5. QAP Schedule.

Comment. The draft permit requires development and implementation of a Quality Assurance Plan (QAP) within 120 days of the effective date of the permit. To allow for implementation of plant upgrades, we request that the requirement for the QAP be delayed to at least six months after the plant modifications become complete.

Response. The permit has been revised to require development and implementation of the QAP within 30 months of the effective date of the permit, based on the compliance schedule to come into compliance with the total residual chlorine limitations.

6. Reopener Provision.

Comment. Page 24 of 26, paragraph K. Please add wording “permit will not be revisited unless out of compliance for 45 days.”

Response. The reopener clause in K is required by 40 CFR § 122.44(c) and specifically addresses sludge. The applicable paragraph would then be Part IV.A., “Permit Actions.” This language is taken directly from 40 CFR § 122.41(f) and is applicable to all permits. When or if EPA would take enforcement or implement Part IV.A. of the permit is part of EPA’s enforcement discretion.

7. **BOD₅ and TSS Loadings Based on 20 -Year Flow Projection.**

Comment. The effluent BOD and TSS loadings in the draft permit are based on a plant design of 2.4 mgd. The existing summer flow is 2.88 mgd. We request that the load allocation for BOD and TSS loadings be increased to match the flow projection of 2.88 mgd.

Response. The permit has been revised to reflect the new loading limits. For both BOD and TSS, the new loading limits are 728.4 lbs/day average monthly and 1081 lbs/day average weekly.

$$2.88 \text{ mgd} \times 30 \text{ mg/L} \times 8.34 \text{ (conv factor)} = 728.4 \text{ lbs/day}$$

$$2.88 \text{ mgd} \times 45 \text{ mg/L} \times 8.34 \text{ (conv factor)} = 1081 \text{ lbs/day}$$

8. **Average Monthly Limit for Fecal Coliform.**

Comment. Although fecal coliform bacteria limits have not been changed from the last permit, it will be hard to meet those limits with the new, more restrictive total residual chlorine limits. The City requests that average monthly coliform limits for May 1 to September 30 be increased to 100 MPN/100 ml, which is still below the State standard for secondary contact waters.

Response. The monthly limits for fecal coliform are the wasteload allocations established by the total maximum daily loading (TMDL) for the Lower Payette that was developed by IDEQ and approved by EPA. EPA cannot revise the limits as requested.

9. **Elimination of the Maximum Daily Limit for *E. coli*.**

Comment. Daily coliform limits (for *E. coli*) could result in permit violations, which would not be indicative of WWTP operation on a weekly or monthly basis. Weekly limits allow an opportunity to correct any biological growth conditions before

they become a permit issue. The City requests elimination of the daily limit for *E. coli* bacteria.

Response. The Idaho water quality standards have established a daily maximum limit for *E. coli* bacteria. To remove the daily limit, the water quality standards would need to be revised. The permit will not remove the daily limit for *E. coli* bacteria.

10. **Miscellaneous comments.**

a. *Total Ammonia reporting.*

Comment. Table 1 requires sampling of total ammonia as N without reporting.

Response. EPA has revised the permit to include the reporting of the daily maximum.

b. *Total Ammonia monitoring frequency in Tables 1 and 2.*

Comment. Table 1 (Outfall Monitoring) requires sampling of Total Ammonia as N once every 2 months. Table 2 (Surface Water Monitoring) requires sampling of Total Ammonia as N once every quarter. The sampling frequencies should be once per quarter for both Tables 1 and 2.

Response. The original effluent monitoring frequency for total ammonia was based on a reduction according to the reported values and the original frequency. Changing the frequency to quarterly will not cause any adverse impacts. The permit has been revised to require quarterly monitoring for total ammonia in the effluent.

c. *Units for reporting nutrients.*

Comment. In Table 1, Total Phosphorus, TKN, and Nitrate-Nitrite is to be reported in lb/day. Table 2 requires reporting for the same parameters to be in mg/L. Please adjust Tables 1 and 2 to mg/L so that parameters can be more easily compared.

Response. EPA agrees and has revised the permit.

d. *Monitoring frequency for new parameters.*

Comment. Since the Payette WWTP historical data show consistent trends in effluent quality, we request that EPA consider a one year testing requirement for new parameters. If this testing identifies a potential problem, a second year of testing for that parameter could be implemented.

Response. The surface water monitoring is only being required until a total of twelve samples have been collected and analyzed. As an effort to allow for budgeting for the monitoring, EPA established the monitoring frequency at once per quarter. If the permittee monitors monthly, only one year of testing would be required.

None of the new parameters are being limited in the permit. The information is being required in support of TMDL development. In order to make reasonable potential evaluations based on actual data, rather than statistical calculations accounting for limited data, EPA believes that at least ten data points need to be collected. For surface water monitoring, a sufficient database is needed to establish background concentrations. This information is used in developing TMDLs and establishing wasteload allocations for point and nonpoint sources.

The length of the monitoring has not been revised in the final permit. The requirement for surface water monitoring has been changed to require only upstream monitoring and not downstream monitoring.

e. *Orthophosphorus monitoring.*

Comment. Sampling for orthophosphorus is required by Table 2, but not by Table 1. The City requests that the requirement for sampling and testing of orthophosphorus be deleted from Table 2.

Response. Orthophosphorus monitoring was inadvertently left out of Table 1 and has been included in the final permit.

f. *“Notice of Introduction of New Pollutants” requirement.*

Comment. Part II.I. contains requirements regarding New Introduction of Pollutants. It is unfair to be held responsible for possible discharges of substances which are not included in the NPDES permit. Please delete “Notice of New Introduction of Pollutants.”

Response. This section is from 40 CFR § 122.42(b), “Publicly owned treatment works.” Because this regulation was promulgated, and the time for challenging the regulation has expired, no changes can be made to this section.

g. *Pollutant Trading.*

Comment. Once the TMDL is final, there may be opportunities for the City of Payette to participate in effluent trading. Please add language to the permit allowing pollutant load adjustment in response to potential pollutant trades, approved by DEQ/EPA.

Response. Language for this request already exists at Part IV.A., “Permit Actions.” In order to implement any potential pollutant trades, the permit would need to be reopened and modified.

Additional revisions to the draft permit.

In addition to the changes noted above, the draft permit has been revised to correct typographical errors. Also, upon review of the permits in the Lower Payette watershed, EPA has revised the effluent and receiving water monitoring for nutrients and mercury to quarterly.

EPA has revised the permit to allow for the deletion of the fecal coliform average weekly limit once the State has revised their water quality standards and EPA has approved the revisions. This would mean that once the water quality standards revisions are adopted and approved, the permittee would no longer need to monitor for fecal coliform October 1 through April 30. In addition, monitoring frequency for fecal coliform would then revert to once per month during May 1 through September 30.

In a letter dated November 16, 2001, the State of Idaho certified under section 401 of the Clean Water Act that the activities allowed under this permit that there is a reasonable assurance that this permit will comply with the *Idaho Water Quality Standards and Wastewater Requirements*.

