

**RESPONSE TO COMMENTS**  
**Hayden Area Regional Sewer Board**  
**NPDES Permit No. ID-002659-0**

On April 19, 1999, the Environmental Protection Agency (EPA) shared pre-decisional draft copies of the National Pollutant Discharge Elimination System (NPDES) permit for the Hayden Area Regional Sewer Board with the Spokane River Technical Advisory Committee, a group that includes municipalities, industry, the State of Idaho Division of Environmental Quality (IDEQ), and the Coeur d'Alene Tribe. The draft NPDES permit for the Hayden Area Regional Sewer Board was then issued for Public Notice on June 18, 1999. The Public Notice initiated a 35-day public comment period which expired on July 23, 1999. A public hearing was held by EPA in Coeur d'Alene on July 19, 1999.

The EPA received written comments from the Idaho Fish & Game dated June 23, 1999; IDEQ dated July 22, 1999; and the Hayden Area Regional Sewer Board dated July 23, 1999. The following is a summary of the substantive comments related to the draft permit and the EPA's responses:

1. **Comment:** Since the fact sheet was drafted, bull trout have been listed as threatened, and individual fish from the Coeur d'Alene Lake population may occasionally use the reach of the Spokane River upstream from the Post Fall Dam. However, bull trout are only rarely found in outlet rivers and any fish from Coeur d'Alene would be very limited and seasonal (late fall to early spring).

**Response:** This information is consistent with discussions with the US Fish and Wildlife Service that provided the basis for EPA's determination that the permit would not affect threatened or endangered species.

2. **Comment:** Previously, IDEQ recommended that land application of sludge be limited to the growing season (April 1 through September 15). However, if the biosolids remediation techniques sufficiently immobilize nitrogen within the biosolids application areas, then the restriction is unnecessary.

**Response:** Section II.D of the permit has been changed to include "The biosolids may be land applied between April 1 and October 15 of each year if it can be demonstrated that the nitrogen will be utilized by a crop or stubble (consistent with the appropriate agronomic rate) within this growing season. Biosolids may be land applied during non-growing seasons if it can be demonstrated to the satisfaction of IDEQ, that the nitrogen is sufficiently immobilized through biosolids remediation techniques and the application method complies with the State Groundwater Quality Rule and federal 503 regulations."

3. **Comment:** There is a typo on page 4, Section A.1. The language should read "During the effective period of this permit, the permittee is authorized to discharge from outfall 001

from October 1 to May 31 and from June 1 to September 30 when the Spokane River flow is greater than 2,000 cfs.”

**Response:** This error has been corrected in the permit.

4. **Comment:** The HARSB is considering composting in the future. Please expand the biosolids transfer option to include transfer to compost facilities or other treatment plants.

**Response:** The biosolids transfer option has been expanded to include compost facilities or other treatment plants in Section II.I of the permit.

5. **Comment:** Due to the high costs of whole effluent toxicity (WET) testing, HARSB would suggest annual testing if the first test does not demonstrate toxicity.

**Response:** EPA does not agree that annual testing is adequate to characterize the whole effluent toxicity of HARSB’s effluent. When evaluating whether limits are needed in a permit, EPA must look at whether there is “reasonable potential” to cause or contribute to an exceedence of the WET criteria. This requires multiplying the maximum effluent WET concentration by a “reasonable potential multiplier” based on the number of data points and the coefficient of variation (CV) of the data. When there are fewer than 10 data points, as is currently required in the permit, the TSD recommends using a default CV of 0.6. EPA believes that it is more accurate to use a site-specific CV. To allow HARSB to spread the cost out, the permit requires that the 10 data points be collected during the five-year term of the permit, instead of requiring more frequent testing over a shorter time period. In addition, semi-annual testing will give EPA valuable information about differences between wet and dry season effluent quality. The decision to require semi-annual WET testing is supported by EPA’s national variability WET guidance.

6. **Comment:** The wells in the Hayden area have a fairly high zinc content that may be in violation of the permit limits prior to use. It would be unfair to require limits that the HARSB may violate due to the high zinc content in the well water.

**Response:** The water quality criteria are designed to protect the beneficial uses in the receiving water. Because some aquatic organisms are more sensitive to zinc than humans, the criteria for zinc for protection of aquatic life are more stringent than the drinking water criteria. This means that groundwater may be suitable for drinking, but may need additional treatment before it is discharged to a water protected for aquatic life. Regardless of the source of the water, discharges may not cause or contribute to exceedences of the criteria in the receiving water.

7. **Comment:** Idaho’s water quality standards for fecal coliform are based on a minimum of five samples per week whereas the permit requires only three samples per week. Because of the sampling frequency, HARSB could violate the 10% monthly limit without having violated the monthly, weekly or daily maximum limits. Therefore, HARSB is requesting

an increase in the 10% monthly limit that is closer to the maximum daily limits.

**Response:** EPA is required to include limits consistent with the beneficial use State standards for fecal coliform in accordance with Section 301(b)(1)(C) of the CWA. Therefore if the HARSB monitors consistent with the minimal monitoring requirements, fecal coliform may only be between 200/100ml and 500/100ml one day out of the month in May, June, July, August and September. There is nothing in the permit however to preclude additional monitoring if the facility suspects that there may be a compliance issue with the 10% monthly requirement. The EPA has retained the requirement that the weekly average limit for fecal coliform be measured as a geometric mean although three samples may ultimately be used in the calculation; not five.

8. **Comment:** HARSB does not want mass-based loading limits for metals in the permit.

**Response:** Federal regulation found at 40 CFR 122.45(f) states that “all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass...” The Region 10 NPDES Permits Unit also has a policy that limits be expressed in terms of mass and concentration so that dilution is not used as a means of treatment. The mass-based limits were developed by multiplying the concentration limits with the facilities increased design flow of 1.5 mgd (the actual flow of the facility, based on the last five years of DMRs, is closer to 0.5 mgd). Therefore, unless the facility discharges in excess of their design capacity, the mass based loading limits will not be violated.

#### **Idaho Division of Environmental Quality 401 Certification**

9. **Statement:** DEQ anticipates promulgating new water quality standards for E. coli bacteria. E. coli monitoring will be necessary prior to reissuing these NPDES permits. Therefore, E. coli monitoring shall be initiated during the fourth year of permit coverage and shall be conducted at the same frequency as fecal coliform bacteria monitoring.

**Response:** E. coli monitoring has been included in the permit consistent with the fecal coliform monitoring frequency and beginning the fourth year of the permit.