

March 20, 2000

Response To Comments

Draft NPDES Permit for:

City of Twin Falls  
(Municipal Wastewater Treatment Plant)  
NPDES No.: ID-002127-0

On December 30, 1999, the Environmental Protection Agency (EPA) issued a draft National Pollutant Discharge Elimination System (NPDES) permit for the City of Twin Falls municipal wastewater treatment plant. The City owns and operates the facility which provides treatment and disinfection prior to discharge to the Snake River. The treatment plant receives primarily domestic wastewater from both residential and commercial sources. The public comment period for the draft permit extended from December 30, 1999 to January 28, 2000.

EPA received comments from the permittee in a letter dated February 3, 2000, from Gary L. Young, City Engineer, to Robert R. Robichaud, USEPA. No other comments were received on this draft permit.

This document represents EPA's response to comments received during the comment period. The comments are summarized below followed by EPA's response.

Comment 1. Total Phosphorous Limit. The City of Twin Falls states that they are committed to meeting the total pound limit for phosphorus on an annualized bases, but object to the monthly limit of the permit for two reasons. First, the City is considering land application of the effluent during the growing season which could be up to eight (8) months in duration. The permittee objects to application of the monthly limit during the winter season: "Since there is no toxicity issue with phosphorous discharge to the river we believe that it is inappropriate to require the same limit year round if we can stay under the daily maximum limit of 1400 pounds during the winter months." Secondly, the City states that "If we choose to use chemical or biological processes to remove phosphorus we should be allowed the flexibility of reducing discharges with a higher level of treatment after an excursion beyond the monthly average rate. Again, since short-term phosphorous discharges at levels above the monthly average don't affect river organisms, we shouldn't be penalized unless the maximum daily or annual total discharges exceed the 1400 or 259,150 pound limits."

Response: The phosphorus limitations of the permit are based on the Middle-Snake River total maximum daily limit (TMDL). In the TMDL for the Middle Snake River (*Middle Snake River Watershed Management Plan*, IDHW-DEQ), adopted by the State of Idaho and approved by EPA on April 25, 1997, the State determined that an instream total phosphorus concentration of 0.075 mg/L would result in meeting the State's narrative water quality criterion. Phosphorus waste

load allocations for individual facilities are contained in Chapter 3 of the *Middle Snake River Watershed Management Plan*. The phosphorus waste load allocation for the Twin Falls facility is 707.0 lbs/day.

Federal regulations at 40 CFR 122.44(d)(1)(vii)(B) require EPA to incorporate effluent limits based on waste load allocations from the state watershed management plans into NPDES permits. EPA followed the procedures of the EPA *Technical Support Document for Water-Quality-based Toxics Control* (TSD, EPA 1991, page 103) in determining how to incorporate the wasteload allocations of the Middle Snake River Watershed Management Plan into permit effluent limitations. As stated in the TSD, the wasteload allocation value for nutrients should be used as the average monthly limitation in the permit. EPA received the concurrence of this method for implementing the wasteload allocation from the Idaho Division of Environmental Quality, Twin Falls Regional Office, who served as the principle writers of the Watershed Management Plan. The waste load allocation of 710 lbs/day was interpreted as an average monthly limitation in the Twin Falls permit. The Watershed Management Plan did not contain any seasonal based factors so seasonal based phosphorus limits were not included in the permit. Since the Watershed Management Plan is the basis for the permit phosphorus limits, the permit will retain the average monthly limit which is consistent with the Management Plan.

The NPDES regulations at 40 CFR 122.45(d) require that all permit limits be expressed, unless impracticable, as both average monthly limits and maximum daily limits for all discharges other than publicly owned treatment works (POTWs), and as average weekly limits and average monthly limits for POTWs. Derivation of the maximum daily permit limit from the average monthly limit is outlined in the Technical Support Document (EPA, 1991) and in a previous fact sheet for this facility. The permittee has not commented on the maximum daily phosphorus limit, however, the permit modification of 1999 was in error in including a daily limit for the City of Twin Falls since the permit is for a POTW and the regulation cited above requires a monthly and weekly limitation for this type of facility. The daily limit of the permit will, therefore, be changed to a weekly limit while the monthly limit will be retained as proposed.

Comment 2. Ammonia Limits. Existing permit limitations for ammonia are water quality based and therefore dependant on ammonia criteria applicable to the receiving water. The EPA is currently evaluating the ambient water quality criteria for ammonia. The permittee states that preliminary data indicate higher chronic and acute ammonia criteria may be appropriate for the portion of the Snake River that receives the discharge. Although the permittee does not object to existing ammonia limitations, the question is asked in the letter whether language can be inserted into the permit which will allow a review of the ammonia limit after EPA adopts any new ammonia criteria.

Response: Existing NPDES regulations allow the permittee to request a modification to a NPDES permit in the event that the standard or regulations on which the permit is based are changed. Therefore, no change in permit language is necessary. The relevant NPDES permit regulation is found at 40 CFR 122.62(a)(3) "Modification or revocation and reissuance of

permits, new regulations”. After EPA updates the ammonia criteria, the State of Idaho will need to adopt the criteria into state water quality standards. Following state adoption, EPA approves the new state water quality standards. The permittee should be aware that per 40 CFR 122.62(a)(3)(C), the permittee must request a permit modification within 90 days after the Federal Register notice of the action on which the request is based.

Comment 3. Toxicity Testing Requirements. The permittee has an agreement with EPA (letter provided) to conduct toxicity testing during the months of April and October which was not included in the draft permit. The permittee request that this schedule be included in the final permit.

Response: The revised toxicity testing schedule will be included in the final permit as requested.

Comment 4. Pretreatment Report. The permittee ask that the pretreatment reporting deadline of November 1, as agreed upon by EPA (letter provided), be inserted in the final permit.

Response: The November 1 reporting deadline will be inserted into the final permit as requested. Upon further review, the following additional, minor changes have also been made to the pretreatment report section: EPA address has been updated, a requirement that the pretreatment report be compiled following the Region 10 Annual Report Guidance was added, and, along with the identification of users which are in Significant Non-Compliance (SNC), the pretreatment report shall also include copies of SNC newspaper publication.