

U.S. Environmental Protection Agency  
Region 10

Response to Comments  
City of Harrison  
Permit No. ID-002199-7

**Background**

On June 24, 2004, EPA proposed to reissue the National Pollutant Discharge Elimination System (NPDES) Permit for the City of Harrison wastewater treatment facility. The Public Notice of the draft permit initiated a public comment period which expired on July 23, 2004. The EPA received comments on the draft permit from the City of Harrison and from Idaho Department of Environmental Quality (IDEQ) as part of their 401 certification.

This document summarizes significant comments received on the draft permit, and EPA's response to the comments. The document provides a record of the basis for changes made from the draft permit to the final permit. The Fact Sheet that accompanied the draft permit was not revised because it is already a final document that provides a basis for the draft permit.

**Comment 1**

The City requested Treatment Equivalent to Secondary Limits for TSS, instead of the secondary limits contained in the draft permit. The City also requested a four-year compliance schedule to meet the Treatment Equivalent to Secondary Limits. The City submitted discharge data to support the request. The City has been working with IDEQ to resolve their high effluent TSS condition.

**Response 1**

The EPA agrees that the facility is eligible for Treatment Equivalent to Secondary limits. The most recent average monthly TSS data is provided below.

The EPA cannot include a compliance schedule in the permit for the TSS limitations because the regulations (40 CFR § 122.47) do not allow compliance schedules for technology-based effluent limits. The TSS effluent limits in the final permit are "Treatment Equivalent to Secondary" limits. These are the least stringent TSS limits available for the facility.

Permit Modification: Table 1 *Effluent Limitations and Monitoring Requirements* is modified to include Treatment Equivalent to Secondary Limits for TSS.

TSS Data for Harrison Treatment Plant	
Monitoring Period End Date	Average Monthly Concentration (mg/L)
05/31/01	55
07/31/01	47
08/31/01	27.7
09/30/01	77
10/31/01	20
11/30/01	7
12/31/01	1.5
05/31/01	55.0
07/31/01	47.0
08/31/01	27.7
09/30/01	77.0
10/31/01	20.0
11/30/01	7.0
12/31/01	1.5
01/31/02	3.3
02/28/02	2.0
03/31/02	4.5
04/30/02	13.3
05/31/02	32.5
06/30/02	28.7
07/31/02	75.8
08/31/02	43.0
09/30/02	15.0
10/31/02	52.3
11/30/02	20.5
12/31/02	17.0
01/31/03	5.7
02/28/03	5.0
03/31/03	26.7
04/30/03	69.3
05/31/03	20.3
06/30/03	17.3
07/31/03	31.2
08/31/03	80.5
10/30/03	36.5
11/30/03	20.0
12/30/03	5.2
01/30/04	10.0
02/29/04	9.7
03/31/04	11.7

### **Comment 2**

The Anderson Slough and Anderson Lake, which is connected to Anderson Slough by a culvert, are undesignated waters. Therefore, adoption of cold water biota and primary contact recreation beneficial uses is not reasonable. A designated use for the receiving water of secondary contact recreation is reasonable. Therefore, the City requested that the permit be revised to include E. coli limits based on secondary contact recreation (instead of primary contact recreation) and no limits based on protection of cold water biota.

Additionally, the City requested a sampling frequency of once per week for E. coli instead of 5 times per month. The location of the outfall creates safety hazards. Further, the City is not capable of performing the analyses on-site. The sampling schedule creates logistical complications and will impose a significant financial burden on the City.

### **Response 2**

The EPA disagrees. The IDEQ has a classification system for water bodies in the state based on the expected beneficial uses of the water bodies. Both Anderson Slough and Anderson Lake are undesignated surface waters, i.e. the IDEQ has not specifically assigned beneficial uses to them. In accordance with Idaho Water Quality Standards (IDAPA 58.01.02.101) the beneficial uses for undesignated waters are cold water aquatic life criteria and primary or secondary contact recreation criteria.

IDEQ may review the relevant data on the receiving water and determine that other beneficial uses are appropriate. If IDEQ promulgates alternative beneficial uses for Anderson Slough, and EPA approves the alternative beneficial uses, the City may request that the permit be modified to have effluent limits based on the new beneficial uses.

The requirement to sample 5 times per month is a stipulation of the Idaho Water Quality Standards (IDAPA 58.01.02.251). The Water Quality Standards require that waters designated for primary contact recreation not contain E. coli bacteria in concentrations exceeding “a geometric mean of 126/100 ml based on a minimum of five samples taken every 3-5 days over a 30 day period.” The monitoring frequency of 5 samples per month was incorporated directly into the permit.

The permit contains a provision which states that the permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. (See Part IV.A. of the permit). If IDEQ revises its water quality standard for E. coli, and EPA approves the water quality standard revision, then the permittee may submit a request for permit modification.

### **Comment 3**

The permit appears to contain chlorine limits based on protection of cold water biota which is not substantiated by the Fact Sheet. The Fact Sheet does not address any potential dilution resulting from the volume of water present in Anderson Slough. Consequently, the City requests

technology-based limits for chlorine. If the permit is not revised to include technology based limits, the City requests a four-year compliance schedule to meet the limits.

### **Response 3**

The designated uses concern (protection of cold water biota) was addressed above in Response No. 2. The permit limit for chlorine is a water quality-based limit. In developing the limits, EPA followed the procedures in the *Technical Support Document for Water Quality-Based Toxics Control* (EPA/505/2-90-001, March 1991). Appendix D of the Fact Sheet provides the effluent limit calculations. The permit limits were derived to be protective of the water quality standards during critical conditions for receiving water flow, effluent pollutant concentrations, and environmental effects.

The specific assumptions for deriving the chlorine limits for the Anderson Slough are presented in Table D.1 of the Fact Sheet. Due to the lack of available data on the receiving water, the assumptions are stringent. For example, as denoted in Table D.1 of the Fact Sheet, because there were no flow monitoring data for the Anderson Slough, the low flow was assumed to be equal to 0.

The final permit retains the chlorine limits. A compliance schedule is provided to allow the facility time to come into compliance with the effluent limits. At the City's request, the final permit includes a four-year compliance schedule for chlorine. An interim technology-based average monthly chlorine effluent limitation of 0.5 mg/L is established in the permit. The derivation of this technology-based limit was provided in the Fact Sheet.

Permit Modifications: Section I.B *Chlorine Schedule of Compliance* is added. Section II.J *Compliance Schedules* is added. Table 1 *Effluent Limitations and Monitoring Requirements* is modified to include Note 4 regarding the chlorine compliance schedule.

### **Comment 4**

The City does not have adequate reserves to fund the new permit revisions. The City requested until January 2006 for completion of the Operation and Maintenance Plan, the Quality Assurance Plan and sampling revisions.

### **Response 4**

The draft permit required that the City complete the Operation and Maintenance (O&M) Plan and Quality Assurance Plan (QAP), within 180 days after the effective date of the permit, this date corresponds to March 1, 2006. Because this date is later than the date requested by the City, this date of March 2006 is included in the final permit.

The initiation of surface water sampling has been delayed for one year. This will allow the permittee additional time to prepare for monitoring.

There are no revisions to the sampling requirements for effluent BOD<sub>5</sub>, TSS, flow and E. coli bacteria. Sampling and analysis for effluent ammonia is scheduled to begin in January 2006.

**Comment 5**

As part of its 401 certification, IDEQ included the following stipulation: “any material modification of the permit or the permitted activities, including without limitation, any modifications of the permit to reflect new or modified TMDLs, waste load allocations, site-specific criteria, variances, or other new information, shall first be provided to IDEQ for review to determine compliance with the state Water Quality Standards to provide additional certification pursuant to Section 401 of the CWA.”

**Response 5**

The EPA agrees, in conformance to 40 CFR 122.62, any major modifications to the permit will require preparation of a draft permit and other procedures in 40 CFR part 124, including state certification requirements.

**Comment 6**

As part of its 401 certification, IDEQ requested monthly effluent monitoring of total phosphorus. This data will be used to evaluate consistency with the Coeur d’Alene Lake Management Plan and the Coeur d’Alene Basin Superfund Record of Decision.

**Response 6**

The EPA agrees. Table 1 of the final permits is revised to include monthly effluent monitoring for total phosphorus. Because of the City’s request to delay the initiation of sampling revisions (see Comment 4), the permit requires that the City begin effluent sampling for phosphorus in January 2006. During a follow-up conversation on June 29, 2005, Ed Tulloch of IDEQ confirmed that one year of sampling for phosphorus would be sufficient.