

**U.S. Environmental Protection Agency
Region 10**

**Response to Comments for Viola Water and Sewer District
(NPDES Permit #ID0026310)**

Background

On December 19, 2003, EPA issued a notice of proposed issuance of a National Pollutant Discharge Elimination System (NPDES) permit for the Viola Water and Sewer District. The wastewater from the treatment plant's two waste stabilization ponds is discharged to Fourmile Creek. The public review and comment period expired on January 19, 2004.

Public Comments

No comments were received during the public comment period.

Implementation of CWA Section 401 Certification Requirements

The Lewiston Regional Office of the Idaho Department of Environmental Quality included the following stipulation in its Section 401 certification of the EPA-prepared NPDES permit for the Viola Water and Sewer District:

[The Viola Water and Sewer District] may have to modify their wastewater treatment process by including dechlorination facilities. DEQ requires those modified plant discharges meet the proposed final chlorine limits set forth in the NPDES permits no later than three years after the effective date of the permit.

Federal regulations at 40 CFR 122.47(a)(3) require that compliance schedules longer than 1 year must contain interim requirements and the dates for their achievement. The time between interim dates may not exceed 1 year. If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

Based on the 401 certification stipulation and the regulatory requirements, EPA has added two new sections: I.A.6. and II.J. Section I.A.6. reads as follows:

6. Compliance Schedule for Total Residual Chlorine.
 - a. By April 1, 2007, the permittee must achieve compliance with the final total residual chlorine effluent limitations for Outfall 001 (Table 1).
 - b. By April 1, 2005, the permittee must submit to EPA a report on the progress of the engineering study required in paragraph I.A.6.c.
 - c. By April 1, 2006, the permittee must complete and submit to EPA an engineering study to identify alternatives to meet effluent limits.

- d. By October 1, 2006, the permittee must determine feasible alternatives to meet effluent limitations, select preferred alternative(s), and notify EPA, in writing, of the preferred alternative(s).

Section II.J. is a standard condition of all NPDES permits which include compliance schedules and reads as follows:

J. 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.

EPA does not require or endorse the use of any particular treatment technology to reduce the concentration of total residual chlorine in the discharge from the Viola wastewater treatment plant. The language of the 401 certification letter suggests using dechlorination but other technologies (such as ultraviolet disinfection or ozonation) may be used. Due to the extra sections, the page numbering in the final permit is different than in the draft permit, and the Table of Contents has been revised to reflect the new sections and page numbers.

Implementation of New Final Rules

On February 13, 2004, EPA promulgated a new final Civil Monetary Penalty Inflation Adjustment Rule, which results in higher maximum civil and administrative penalties for violations of permit conditions. The final permit reflects these new, higher penalties. The affected sections of the permit are III.B.1. and III.B.2.