

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

**Response to Comments  
City of Shoshone  
Permit No. ID-002372-8**

**Background**

On June 24, 2004, EPA proposed to reissue the National Pollutant Discharge Elimination System (NPDES) Permit for the City of Shoshone 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 Shoshone.

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**

The City requested a three compliance schedule for all new conditions and limitations in the permit. Shoshone is a small town with a high senior citizen population and does not have a large tax base or budget. The new permit conditions will create a hardship for the town. Of particular concern for the City, is the more stringent chlorine effluent limits.

**Response**

The NPDES permit is required to contain limits for pollutants based on both the technology available to treat the pollutants (technology-based effluent limits) and limits that are protective of the designated uses of the receiving water (water quality-based effluent limits). The draft permit contains technology-based effluent limits for BOD<sub>5</sub>, TSS, and maximum pH and water quality-based effluent limits for chlorine, E. coli, and minimum pH.

Section 301 of the Clean Water Act (CWA) established a required performance level, referred to as "secondary treatment," that all Publicly Owned Treatment Works (POTWs) were required to meet by July 1, 1977. EPA developed secondary treatment regulations which are specified in 40 CFR 133. These technology-based regulations apply to all municipal wastewater treatment plants, and identify the minimum level of effluent quality attainable by secondary treatment in terms of BOD<sub>5</sub>, TSS, and pH. Because all POTWs were required to meet the secondary treatment regulations by July 1, 1977, the permit contains limits for BOD<sub>5</sub>, TSS, and pH. The NPDES regulations do not allow compliance schedules for technology-based effluent limits. Therefore, the technology-based effluent limits (BOD<sub>5</sub>, TSS, and maximum pH) apply when the permit becomes effective.

The draft permit contains water quality-based effluent limits for chlorine, E. coli, and minimum pH. The EPA believes that a compliance schedule is not warranted for E. coli and minimum pH.

The facility has been in compliance with the bacteria limit (for fecal coliform) in their previous permit; the City has not provided any evidence that would indicate difficulty in meeting the new bacteria limit for E. coli. The minimum pH that the facility has reported on their Discharge Monitoring Report to the EPA has been 6.5, so compliance with the minimum pH limit (of 6.5) does not appear to be a problem.

The EPA agrees that a compliance schedule to meet the chlorine limits is warranted. In their 401 Certification, Idaho Department of Environmental Quality has provided a three-year compliance schedule for the final chlorine limitations to allow adequate time for any necessary treatment plant modifications to meet the limits. In the interim, a technology-based average monthly chlorine limit of 0.5 mg/L is established in the permit. The derivation of this technology-based limit was provided in the Fact Sheet. The previous permit had a chlorine limit of 0.5 mg/L.

To allow the City additional time to develop the Operation and Maintenance Plan and Quality Assurance Plan, the final permit has been revised to require development and implementation of the documents within two years of the effective date of the permit.

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

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.

Sections I.D. (Operation and Maintenance Plan) and I.E. (Quality Assurance Requirements) of the permit are modified to require that the documents be developed within two years of the effective date of the permit.

Section I.C.4 of the final permit has been revised to delay surface water monitoring to begin one year from the effective date of the permit.