

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

**Response to Comments
City of Roberts Wastewater Treatment Plant
Permit No. ID-0026913**

Background

On September 18, 2003, EPA proposed to reissue the National Pollutant Discharge Elimination System (NPDES) Permit for the City of Roberts wastewater treatment facility. The Public Notice of the draft permit initiated a public comment period which expired on October 27, 2003. The EPA received comments on the draft permit from James P. Mullen of Keller Associates on behalf of the City of Roberts. No other comments were received.

This document summarizes the comments received on the draft permit, and EPA's responses to the comments. This document provides a record of the basis for changes to the draft permit to finalize the 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 has not monitored the discharge from the facility. Because the City does not know whether the discharge can meet the effluent limits, the City requests that they be allowed to monitor prior to accepting the terms of the permit.

Response 1

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 BOD₅, 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 BOD₅, TSS, and pH. Because all POTWs were required to meet the secondary treatment regulations by July 1, 1977, the permit contains limits for BOD₅, TSS, and pH.

As discussed in the fact sheet, the regulations include special considerations when determining technology based effluent limits for POTWs. For waste stabilization ponds, these include "Treatment Equivalent to Secondary" regulations (40 CFR 133.101(g), and 40 CFR 133.105(d)). The Treatment Equivalent to Secondary regulations allow alternative limits for BOD₅ and TSS

provided that all of the following requirements are met:

- The BOD₅ and TSS effluent concentrations consistently achievable through proper operation and maintenance of the treatment works exceed the minimum level of the effluent quality for secondary treatment.
- A trickling filter or waste stabilization pond is used as the principal treatment process.
- The treatment works provide significant biological treatment of municipal wastewater (i.e., a minimum of 65% reduction of BOD₅ is consistently attained).

Because there are no monitoring data for the Roberts treatment plant, it cannot be determined at this time whether Treatment Equivalent to Secondary considerations apply to the facility. With no data to evaluate, the permit requires secondary treatment limits.

If the permittee collects sufficient data to show that the facility qualifies for Treatment Equivalent to Secondary effluent limits then the permittee may request a permit modification. A minimum of two years of data is required and the data set must exclude values attributable to upsets, bypasses, operational errors, or other unusual events.

The draft permit contains water quality-based effluent limits for chlorine, E. coli, and minimum pH. In the absence of data, the EPA believes that a compliance schedule is not warranted at this time for E. coli and minimum pH. Therefore the final permit retains these limits.

At the City's request, the final permit includes a two-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 Modification: Table 1 has been revised to include two sets of limits for chlorine - interim limits and final limits. Section I.A.5 *Chlorine Schedule of Compliance* is added. Section II.J *Compliance Schedules* is added.

Comment 2

The City requests a minimum compliance schedule of 2 years to meet the effluent limits.

Response 2

The permit can provide a compliance schedule to meet water quality-based effluent limits, but not technology-based effluent limits. (Refer to Response No. 1). The Roberts NPDES permit contains water quality-based effluent limits for chlorine, E. coli, and minimum pH. As outlined in Response No. 1, the final permit includes a two-year compliance schedule for chlorine. In the absence of monitoring data, the EPA believes that a compliance schedule for E. coli and pH is unwarranted at this time.

Permit Modifications: See Response No. 1.

Comment 3

The fact sheet identified the beneficial uses of the Robert's Slough as cold-water communities and primary contact recreation. The City requests that the beneficial uses be reevaluated. The City believes that these uses should apply to the Snake River, and because the Robert's Slough is not a direct tributary to the Snake River, the uses should not apply.

Response 3

The Idaho DEQ has a classification system for water bodies in the state based on the expected beneficial uses of the water bodies. The Roberts Slough is an undesignated surface water, i.e. the IDEQ has not specifically assigned beneficial uses to it. 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 Roberts 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.

Permit Modification: None

Comment 4

The Total Residual Chlorine limit of 0.01 mg/L appears too stringent. The City requests that the value be reviewed and possibly revised.

Response 4

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 at critical conditions, which are a combination of worst-case assumptions of receiving water flow, effluent pollutant concentrations, and environmental effects.

The specific assumptions for deriving the chlorine limits for the Roberts Slough are presented in Table D.1 of the Fact Sheet. As requested, the EPA reviewed the assumptions made in deriving the chlorine limits. Due to the lack of available data on the facility and 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 Roberts Slough, the low flow was assumed to be equal to 0. In subsequent discussions with the Keller Associates, the City's concern was also with the designated uses assumed for the receiving water. This concern is addressed in Response No. 3.

The final permit provides a two-year compliance schedule for meeting the chlorine limits.

Permit Revision: 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.

