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

**Response to Comments**
**City of Council**
**Permit No. ID-002008-7**

## Background

On September 18, 2003, EPA proposed to reissue the National Pollutant Discharge Elimination System (NPDES) Permit for the City of Council 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 Holladay Engineering Company. No other comments were received.

This document summarizes the 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

Bruce Gardner is currently the Mayor of the City of Council and future correspondence should be sent to his attention. Additionally, the city's mailing address is P.O. Box 606, Council, Idaho 83612, and the facility site location is 500 South Hornet Creek Street, Council, Idaho 83612.

## Response 1

Comment noted.

## Comment 2

The draft permit contained average monthly and average weekly total suspended solids (TSS) limits of 30 mg/l and 45 mg/L respectively. Due to the facultative nature of the facility and the amount of algae and duck weed that are created within the system the City requests that the TSS limits from their current permit (i.e., average monthly and average weekly of 70 mg/L and 105 mg/L) be retained in the final permit. Additionally, the City requests that the 85% removal requirement be deleted from the permit during the months of high inflow and infiltration.

## Response 2

The requirement found in the Idaho Water Quality Standards (IDAPA 58.01.02.420) for lagoons (i.e., average monthly limit of 70 mg/L for TSS) has not been approved by EPA and therefore is not available to be used in an NPDES permit. The Idaho Department of Environmental Quality is currently in the process of developing TSS requirements for wastewater treatment facilities that use lagoons. Once these requirements are developed, and EPA approves them, they will be available for use in NPDES permits.

An average monthly limit up to 45 mg/L for both $BOD_5$ and TSS is possible for facilities that qualify for Treatment Equivalent to Secondary limitations. To qualify the following requirements all of the following must be met:

1. The $BOD_5$ and TSS effluent concentrations consistently achievable through proper operation and maintenance of the treatment works exceed Secondary Treatment Effluent Limits.
2. A trickling filter or waste stabilization pond is used as the principal treatment process.
3. The treatment works provide significant biological treatment of municipal wastewater (i.e., a minimum of 65% reduction of $BOD_5$ is consistently attained).

The City of Council facility does not meet the first and third requirements. A review a monitoring data indicate that the facility was meeting secondary treatment concentration limits for $BOD_5$ through mid-2000, then began exceeding these limits. The facility met Treatment Equivalent to Secondary TSS concentrations through 1999, but now exceeds those concentrations. Furthermore, the system experiences sanitary sewer overflows. These observations and data indicate potential problems with operation and maintenance of the treatment works and collection system.

The 85% percent removal requirement for $BOD_5$ and TSS is required because poor removal efficiencies appear to be the result of excessive inflow/infiltration. The NPDES regulations do not allow percent removal requirements to be adjusted when the cause of poor removal efficiencies is excessive inflow and infiltration.

Final Permit Revision: None

**Comment 3**

The draft permit contained the following effluent limits for total residual chlorine: an average monthly limit of 0.1 mg/L (0.3 lbs/day) and an average weekly limit of 0.2 mg/L (0.7 lbs/day). The City is requesting that the final permit contain an average monthly limit of 0.5 mg/L (1.5 lbs/day) and a maximum daily limit of 1.0 mg/L (3.5 lbs/day) because the amount of chlorine required to disinfect to 126 colonies of E. coli per 100 ml is higher than what is in the draft permit.

**Response 3**

The NPDES regulations at 40 CFR 122.44(d) require permits to contain limits necessary to protect water quality standards. The Idaho Water Quality Standards protect the Weiser River for aquatic life, and the limits in the draft permit are necessary to prevent acute and chronic toxicity to aquatic life. The final permit retains the limits that were in the draft permit.

Final Permit Revision: None

**Comment 4**
The draft permit contained an effluent pH range of 6.5 to 9.0. Due to the facultative nature of the lagoon system and turnovers that occur during weather changes the permittee requests that the pH range be set at 6.5 - 10.0 standard units.

**Response 4**
A review of the Discharge Monitoring Report data for the facility did not indicate frequent occurrence of high pH values. Additionally, the commenter did not provide any site-specific information to indicate that pond turnover is a problem. Therefore, the final permit retains the effluent limits contained in the draft permit.

Final Permit Revision: None

**Comment 5**
The draft permit requires four years of surface water monitoring. This seems excessive since there is a large amount of data developed for the TMDL. The permittee requests that the monitoring requirement apply for one year only.

**Response 5**
The surface water sampling results will be used to evaluate the need for ammonia effluent limits during development of the next permit as well as for TMDL development. In response to the permittee's request, the number of surface water samples required is reduced from 16 samples to 12 samples. The Region believes that a minimum of 12 samples is required to characterize the surface water. The sampling frequency (i.e. quarterly) in the final permit is unchanged. Quarterly sampling will allow seasonal characterization of the receiving water, but will also provide some sampling flexibility for the permittee. In order to collect 12 samples, three years of sampling is required. The final permit also requires sampling to begin in April 2005. This will allow the permittee additional time to prepare for monitoring.

Final Permit Revision: Section I.B.4 of the final permit has been revised to reduce the duration of the quarterly surface water monitoring from four years to three years. Monitoring must begin in April 2005.