RESPONSE TO PUBLIC COMMENTS FOR
DRAFT NPDES PERMIT NH0100366

Town of Lebanon
Lebanon, NH

On September 29, 2005, the U.S. Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) released for public notice and comment a draft National Pollutant Discharge Elimination System (NPDES) permit for the above draft NPDES permit. The public comment period for this draft permit expired on October 28, 2005.

The following comments were received from the city of Lebanon:

Comment No. 1:

"Page 2 of 12, Part IA.1, Effluent Limitations and Monitoring Requirements, Discharge Limitations, Total Residual Chlorine: The chlorine residual limits in the draft permit are based on a dilution factor of 100. The Lebanon POTW has a dilution factor of 164. Based on the EPA's and NHDES's chronic and acute water quality criteria, limits of 1.8 mg/l monthly average and 3.11 mg/l maximum day are justifiable. To maintain compliance with the proposed TRC limits of 1.0 mg/l, the City will be forced to construct dechlorination facilities at an estimated capital cost of $275,000. The City considers this an undue financial burden with no other justification other than "it was in the last permit". The City feels strongly that the limits should be changed to reflect the actual dilution factor. The higher limits would not result in a violation of water quality, and therefore should be allowed as an exception to EPA's anti-backsliding regulation, 40 CFR 122.44 (I)."

Response :

As noted in the comment, the TRC limits in the draft permit are the same as the limits in the current permit. The limits are based on best professional judgement (BPJ), and are used by EPA and NHDES in all POTW permits in which the calculated water quality based limits are greater than 1 mg/l. Our experience has been that these limits are easily achievable by well operated and maintained chlorination systems, without the need for dechlorination. A review of the data submitted by the permittee on its discharge monitoring reports submitted from October 2002 to November 2004 shows that the facility reported a range of monthly average values from 0.67 to 0.85 mg/l and a range of maximum daily values from 0.84 to 1.0 mg/l. Therefore in accordance with antibacksliding regulations found at 40 CFR 122.44(l), the TRC limits have not been changed.

Comment No. 2 :

"Page 4, Subscript 5 states: "Any time any form of chlorine is being added to the POTW as part of any treatment process. Total Residual Chlorine (TRC) shall be tested ....."

The City requests clarification of the intent of the language in Subscript 5: Does the permit require the City to report chlorine usage and TRC for such operations as chlorinating return activated sludge or for cleaning wet wells, etc.? If this is the intent of the Subscript 5 language, what are the Monitoring and Reporting Requirements? The City would object to a requirement for such reporting as it would have no benefit and would be an unnecessary burden on the City."

Response :

The referenced language in Superscript (footnote) 5 is somewhat confusing. The language was intended to be used in all POTW permits, including those do not use chlorine for disinfection, but maintain chlorination facilities for other purposes such as chlorinating return activated sludge. For facilities which do not continuously use chlorine for disinfection, the requirement ensures that TRC is monitored when it is used and not added in amounts which would have the reasonable potential to cause or contribute to violations of water quality standards. The language was not intended to require increased TRC monitoring for facilities which continuously use chlorine for disinfection. In order to eliminate this confusion, the problematic language in the footnote has been removed; we note however that effluent sampling must be representative of the discharge, which would require effluent sampling during periods in which chlorine is used for purposes other than disinfection.

Comment No. 3 :

"Pages 6 and 7 of 12, Part IA, Paragraphs 8a and 9: *Effluent Limitations and Monitoring Requirements* lists the proposed reporting requirements relative to Industrial Users (IU) that discharge to the POTW."

"Paragraph 8.a requires the City to submit to the EPA and NHDES-WD the name of any IU that is subject to Categorical Pretreatment Standards pursuant to 40 CFR 403.6 and established in 40 CFR Chapter I, Subchapter N."

"The City views the proposed requirements in Paragraph 8.a as an unnecessary burden on the City for reasons of liability and workload. Would the City be held liable by the EPA and/or IU if it made the wrong determination? More importantly, Categorical Industries are already required to report directly to the EPA making this requirement redundant and unnecessary. Additionally, the City is not the Control Authority for regulated IU's. Therefore, the City requests that this requirement be eliminated from the proposed permit or, at a minimum, the language be changed to absolve the City of making a determination of Categorical Industries."

Response :

EPA agrees with the comment and will remove paragraph 8.a on page 6 from the permit.

Comment No. 4 :

"Paragraph 9 requires the City to forward reports (baseline monitoring reports, 90 day compliance reports, periodic reports on continued compliance, etc.) received from Categorical Industrial Facilities regulated in 40 CFR Chapter I, Subchapter N to EPA and NHDES-WD

within ninety (90) days of their receipt."

"The reports requested by the EPA in Paragraph 9 are already required of IUs subject to the Categorical Pretreatment Standards. This proposed requirement is redundant and places an undue burden on the City. Therefore, the City requests that this requirement be eliminated from the proposed permit."

Response :

EPA would like to clarify the language in paragraph 9 on page 7. The permittee is only required to submit the required reports in the event the permittee receives such reports. Within the State of NH, EPA is the pretreatment control authority. Therefore, industrial users meeting the definition of 40 CFR 403.3(t) are required to submit reports directly to EPA and not the permittee. EPA agrees that it is unnecessary to receive reports from both the Industrial User (IU) and permittee with respect to continued compliance reports. However, in the event the permittee receives baseline monitoring reports or 90 day compliance reports, EPA would like to receive such reports. EPA does not need to receive continued compliance reports. Therefore, EPA recommends that the permittee notify its IU's that EPA is the Control Authority within the State of NH and any compliance reports required under 40 CFR 403.12(e) should be submitted directly to EPA and not the permittee.