RESPONSE TO PUBLIC COMMENTS FOR
DRAFT NPDES PERMIT NH0100781

Town of Waterville Valley
Waterville Valley, 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 facility. The public comment period for this draft permit expired on October 28, 2005.

The following comment was received from the Town of Waterville Valley :

Comment No. 1 :

"(page 3, footnote #7) states that alternative dilution water should be used for Ceriodaphnia dubia, whereas the US EPA FACT SHEET (Section F, Page 11) states that alternative dilution water should not be used for Ceriodaphnia Dubia. This is a conflicting message between the two documents. If I can't use alterative dilution water and end up failing a test because of the receiving stream water quality will I have to complete a Toxicity Identification Evaluation and then a Toxicity Reduction Evaluation? The draft permit includes a requirement to complete a TIE and a TRE if the permittee violates any WET effluent limits. What does that mean / cover?"

Response :

The fact sheet correctly states that alternative dilution water should not be used for Ceriodaphnia Dubia. Review of the WET tests submitted during the term of the current permit showed that the receiving water is not toxic to ceriodaphnia. Inadvertently, the alternative dilution water paragraph under footnote 7 in the draft permit was not taken out. It has been taken out of the final permit.

The permittee will not be liable to perform TIE/TRE if the toxicity test fails due to toxicity of the receiving water when receiving water is used as dilution water. This would not be considered a valid test, and in that case the permittee must follow the instructions in Appendix G, item 14 of "NPDES Permit Instructions for the Discharge Monitoring Report Forms (DMRs) Report Year 2005", which requires that a valid re-test be conducted with alternate dilution water. This document can be found at the following EPA Website:

http://www.epa.gov/region01/enforcementandassistance/dmr2005.pdf

A TIE/TRE is required when the results form a valid test do not meet the effluent limitations.

Comment No. 2 :

"Page 3 of permit, Footnote #6 for monthly average of N value is not limited but must be reported from June 1 through October 31. On page 8 of the fact sheet it states the monitoring frequency is once per week for June through September, and once per month during the rest of the year. I need clarification on this."

Response :

As you have pointed out, the draft permit and fact sheet requirements are not clear. Our intent was to continue the current permits's ammonia sampling frequency for the months of June through September at once per week, and to require monthly sampling during the rest of the year (October through May).

The weekly average limit of 1 mg/l is in effect during the months of July and August. Weekly average values must be reported during the months of June through September (the months when weekly sampling is required); monthly average values shall be reported year-round.

We have made the appropriate changes to the effluent limitations page and to footnote #6. The Fact Sheet will not be modified since it is not part of the final permit decision, however your comment and this response will become part of the administrative record.

Comment No. 3 :

Page 4 of fact sheet for BOD & TSS states compliance monitoring for both BOD5 and TSS in this draft are twice per week. The permit says once per week, please clarify.

We presently test for copper on a quarterly basis and would like consideration to keep this frequency.

Response :

The monitoring frequency for BOD and TSS will be twice per week as stated in the fact sheet. The final permit has been changed accordingly.

As described in the fact sheet, the quarterly monitoring data indicated that the discharge of copper may cause or contribute to a violation of water quality standards. The copper monitoring frequency was therefore increased to obtain more data to determine if there is a reasonable potential for the discharge of copper to cause or contribute to a violation of water quality standards. The monitoring frequency will remain at once per month in the final permit. If the data shows that there is a reasonable potential for the discharge of copper to cause or contribute to a violation of water quality standards, the permit may be modified to include an effluent limitation.

Comment No. 4 :

The water quality standards do not contain numeric criteria for phosphorous. My effluent

concentrations have always been very low and I feel there should not be a 0.75 mg/l monthly average.

Response :

As described in the fact sheet, EPA must establish limits for pollutants which have the reasonable potential to cause or contribute to violations of water quality standards, and those limit must ensure that water quality standards are achieved. As you have pointed out, the New Hampshire water quality standards do not include numerical criteria for phosphorus; therefore EPA established limits based on available information, including the EPA 1986 Quality Criteria of Water ("the Gold Book"), which recommends in-stream phosphorus concentrations of 0.1 mg/l (100 ug/l) for any stream not discharging directly to lakes. As stated in the fact sheet, using the current limit of 1 mg/l and the dilution factor of 7.5, the estimated instream concentration of phosphorus after mixing with the receiving water is estimated to be about 130 ug/l (1 mg/l÷ 7.5 = 0.133 mg/l = 133ug/l), which is greater than the recommended criteria. An effluent limit of 750 ug/l (0.75 mg/l) is necessary to achieve the Gold Book criteria of 100 ug/l, and has been included in the final permit.

Review of the effluent data submitted on the monthly discharge monitoring reports indicates that the facility will be able to meet the new limits.

Comment No. 5 :

Are the sludge conditions in my permit the same as the existing permit?

Response :

Although the wording is not identical, the substantive requirements are the same.