

RESPONSE TO COMMENTS

City of New Meadows Wastewater Treatment Plant NPDES Permit ID-0023159 May 7, 2013

On April 6, 2013, the U.S. Environmental Protection Agency (EPA) issued a public notice for the reissuance of the City of New Meadows Wastewater Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit No. ID-0023159. This Response to Comments provides a summary of significant comments and provides corresponding EPA responses. The comments resulted in eliminating the weekly average limit for total phosphorus.

Comments were received from the following:

Honorable Mayor Julie Spelman City of New Meadows (City)
Justin Hayes, Program Director, Idaho Conservation League (ICL)

- 1. Comment (City):** We are requesting clarification on temperature monitoring requirements. In the Fact Sheet Table 1 identifies temperature as a daily maximum limit that shall be sampled at 30 minute intervals. Table 2 included in the Fact Sheet references temperature testing at 1-hour intervals and includes a monthly instantaneous maximum, maximum day average, seven-day average running average of the daily instantaneous maximum

Table 1 of the Draft NPDES permit states temperature shall be recorded at 1-hour intervals reported as a maximum daily average. As such, is the daily maximum limit of 20.8°C considered a maximum daily average using 1-hour sample data?

Response: Table one of the draft permit is correct. The effluent limitation of 20.8°C is a maximum daily average measured by setting the recording device to record at one-hour intervals and averaging the intervals over 24 hours.

- 2. Comment (City):** The Little Salmon River is not impaired for ammonia and the Basis for Effluent Limitations (Appendix B of the Fact Sheet) indicates no reasonable potential to violate standards of ammonia. Since ammonia is not a concern and to save on testing costs, the City is requesting ammonia testing of the wastewater effluent and surface water be removed from the permit requirements.

Response: The City provided limited surface water monitoring data to support the application for renewal and allow calculations to determine whether there was reasonable potential to exceed water quality standards. The information provided included only single data points for pH and temperature, which are necessary to determine water quality criteria for ammonia. Ammonia background and effluent is also required for the reasonable potential calculations. Therefore, surface water monitoring data are required under the permit to be used in reasonable potential determinations for the next permit cycle. Ammonia effluent levels also provide an indication of the operational efficiency of the wastewater treatment plant.

3. **Comment (ICL):** *The Little Salmon River Subbasin Assessment and TMDL*, developed by the Idaho Department of Environmental Quality (DEQ) in 2006 and subsequently approved by the EPA, is the approved TMDL for this segment of the Little Salmon River. This TMDL established Waste Load Allocations (WLAs) for point sources that discharge in to this segment of the river, including this facility.

This TMDL established a Total Phosphorus (TP) WLA of 0.1 kg/day [equivalent to 0.22 lbs/day] for the WWTP. This is also expressed in the TMDL as 3 kg/month [equivalent to 6.6 lbs/month]. The WLA is “the maximum daily load” that this facility can lawfully discharge.

When developing NPDES effluent limits, the Clean Water Act provides that the permitting agency (in this case EPA) needs to ensure that these effluent limits are consistent with the assumptions and requirements of the WLA developed in an EPA approved TMDL. The Draft NPDES permit for New Meadows proposes a TP limit as follows:

Average weekly limit is 13.3 lbs/week
Average monthly limit is 6.6 lbs/month

If the facility were to operate in such a manner that it discharged TP at 13.3 lbs/week it would be in compliance with the average weekly limit in the draft permit. However, it would be in violation of the average monthly limit of 6.6 lbs. TOTAL per month. This internal conflict between the weekly limit allowing a discharge of a cumulative 13.3 lbs. per week, yet having a monthly limit of no more than 6.6 lbs/month (total), places the conditions of the permit at odds with itself.

Further, discharging 13.3 lbs/week for any single week in a month exceeds the TMDL wasteload allocation (6.6 lbs/month) assigned to the New Meadows WWTP.

This conflict is unlawful and must be remedied.

If it is the case that EPA needs to craft a weekly limit, that limit must be limited to less than or equal to 6.6 lbs/week and recognize that all of the weekly discharges must not cumulatively exceed the monthly limit since this TMDL is articulated as a cumulative load.

Response: The EPA agrees. *The Little Salmon River Subbasin Assessment and TMDL* provided an allocation of a *cumulative* discharge of 6.6 lbs/month total phosphorus rather than the more common *average* allocation as shown in footnote 6 to Table 1:

⁶Loading is calculated by multiplying the average monthly concentration (mg/L) by the *total flow for the month* [emphasis added] (million gallons) and a conversion factor of 8.34

The proposed weekly limit of 13.3 lbs/week and any weekly average over 6.6 lbs/month would not be consistent with the wasteload allocation. The weekly limit is not required to insure the permit is consistent with the monthly allocation and it is not practicable to derive a weekly limit. The NPDES regulations at 40 CFR §122.45(d) require that permit limits for publicly owned treatment works (POTWs) be expressed as average weekly limits (AWLs), unless impracticable. Since the allocation in this case is cumulative over a month an average weekly limit is impracticable and the weekly limit is not included the final permit.