

RESPONSE TO COMMENTS

**Eastern Idaho Regional Wastewater Authority
Oxbow Wastewater Treatment Plant
NPDES Permit # ID-0020133
February 17, 2014**

On December 11, 2013, the U.S. Environmental Protection Agency (EPA) issued a public notice for the reissuance of the Eastern Idaho Regional Wastewater Authority, Oxbow Wastewater Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit No. ID-0020133. This Response to Comments provides a summary of significant comments and provides corresponding EPA responses.

Comments resulted in the following changes:

1. Clarified that the submission of the Environmental Report to the EPA is not required.
2. The term Complete Construction is changed to Construction Substantially Complete in the interim requirement for Table 4 Task 8.
3. Changed the title of Table 3 from "Tasks Required Under the Total Phosphorus Schedule of Compliance for Cessation of Discharge" to "Tasks Required Under the Total Phosphorus Schedule of Compliance for Cessation of Discharge or Partial Cessation of Discharge" to clarify that partial cessation of discharge falls under the same compliance schedule as cessation of discharge.

Comments were received from the following:

J. Scott Barry, Regional Manager, Eastern Idaho Regional Wastewater Authority. (EIRWWA)

1. **Comment:** Paragraph I.C. describes two options to meet permit compliance. The first option is cessation of discharge to the Snake River and must comply with the schedule provided in Table 3 with final compliance May 1, 2021. The second option is for continued discharge to the Snake River and meeting effluent limitations and monitoring requirements shown in Table 1 in accordance with the schedule provided in Table 4 with final compliance by October 1, 2018. EIRWWA requests that the draft permit be changed to clarify a third option which would combine both options 1 and 2 with compliance schedule similar to Table 3 and with a final compliance date of May 1, 2021. This is consistent with the long term goals of the EIRWWA to manage the effluent as a renewable and sustainable resource and provides operating flexibility for the facility without compromising the reliability of the treatment process to meet the environmental regulation established in the NPDES permit. Per the direction of the EIRWWA board who view water as a valuable resource, the Oxbow WWTP was designed and constructed to meet Idaho Class A effluent quality requirements with the intent of implementing reuse for an allowed use under Idaho DEQ regulations at such time as a viable and reliable reuse purpose was developed. The EIRWWA has evaluated several reuse scenarios including crop irrigation, green belt irrigation and ground water recharge and anticipates the solution may very well be a combination of those uses considered. However, other than ground water recharge, a concept that has generated considerable interest in Idaho in the past few years but has not yet been fully accepted by the state legislature the reuse solutions are practical only on a seasonal basis. As such, it is prudent that the EIRWWA maintain its ability to discharge effluent during the off season to accommodate the wise use of a sustainable resource through effluent reuse. If such an

alternative is included in the NPDES permit, the EIRWWA is reasonably confident that permitting, infrastructure, and implementation sufficient to discharge effluent during the non winter months can be accomplished in accordance with the Table 3 schedule as a review of the draft phosphorous values proposed indicates that with river discharge limited to the winter months only, biological phosphorus removal is sufficient. However, river discharge year round requires a more complex treatment paradigm with the addition of chemical flocculation facilities that not only increase the vulnerability of the treatment facility to further environmental risk but also will also significantly increase cost and labor. Further, the capital cost of implementing chemical addition for phosphorus removal will be wasted if, and when, the reuse option is implemented and the chemical flocculation equipment is abandoned.

Response: Condition I.C.2. of the draft permit states:

“The permittee must achieve compliance with the final total phosphorus effluent limitations of Part I.B.1. no later than May 1, 2021 if compliance is by cessation of discharges *or partial cessation of discharges to the Snake River* and any other waters of the United States. Partial cessation is discharge to the Snake River and cessation of part of the discharge. Remaining discharges to the Snake River from partial cessation of discharges must meet the effluent limitations of Part I.B.1. (Emphasis added).”

Condition I.C.2. is applicable to both total cessation of discharge and partial cessation of discharge to the Snake River. As stated the remaining discharges that are not reused must meet the water quality standards of the Snake River as listed in Table 1 Effluent Limitations and Monitoring Requirements Outfall 001.

This is also made clear in the fact sheet on page 15 concerning the reuse option:

“Partial removal would require Oxbow to locate a reuse (land application) location or alternatively a rapid infiltration location for part of the Oxbow discharge. The part of the discharge not eliminated would be required to meet the total phosphorus loading limits before being discharged to the Snake River.”

And on page 16 of the fact sheet:

“The permit establishes a second schedule for cessation of the discharge to the Snake River by May 1, 2021 (seven and one half years) in Condition I.C.2. This option also includes cessation of discharge of a portion of the discharge and meeting the loading limit with the remaining flow discharged to the Snake River.”

To clarify that partial cessation of discharge falls under the compliance schedule for cessation of discharge Table 3 is changed from “Tasks Required Under the Total Phosphorus Schedule of Compliance for Cessation of Discharge” to “Tasks Required Under the Total Phosphorus Schedule of Compliance for Cessation of Discharge or Partial Cessation of Discharge”.

2. Comment (ICL): Table 4 Task 4: Generally speaking, an Environmental Report is completed following, or in conjunction with, a Facilities Planning Study (FPS), which evaluates the alternatives for improving or modifying a utility system including the treatment facilities and results in a recommendation for such implementation or modifications. In Idaho, by statute, the Idaho IDEQ will require preparation and approval of a Facilities Planning Study before allowing significant change to the utility infrastructure such as implementation of a reuse alternative or addition of a flocculation unit process for phosphorus reduction. While the EIRWWA anticipates completing the FPS and Environmental Report process, they recognize they have no authority to dictate a review or

approval schedule, including a compliance date, for IDEQ staff. Therefore, the EIRWWA understands this task to include the submission of an Environmental Report to the State Agency for review only and petitions the EPA to adjust the language in the Task Activity in Table 4 of the draft NPDES permit to reflect that understanding.

Response: Table 4, Tasks Required Under the Total Phosphorus Schedule of Compliance for Treatment and Continuing of Discharge, Task 4 states:

“Deliverable: The permittee must provide the EPA with written notice that the final environmental report is completed.”

The EPA will only address the NPDES permit. To address the comment Table 4 Task 4 will add that submission of the environmental report to the EPA is not required.

3. **Comment:** Table 4 Task 5: The schedule listed in Table 4 allows 60 days from the completion of the environmental report to completion of the preliminary design report. The EIRWWA does not believe 60 days is sufficient time to complete the preliminary design report. Consistent with the comments regarding the distinction between the terminologies, “Complete” and “Submit, the EIRWWA would propose the language in Task No. 5 of Table 4 be revised to set “Submit Preliminary Design Report” in lieu of “Complete Preliminary Design Report” and allow 180 days for this effort. Particularly as the EIRWWA cannot predict the length of time Idaho IDEQ will require for approval of the environmental document following its submission to them for review. By state statute, DEQ is allowed a maximum of 30 days to review the Environmental Document, although experience has found that in most cases this review period can be significantly longer, followed by a 90-day public comment period before final approval can be offered and any environmental finding can be published. It is conceivable, and most likely probable, that the EIRWWA may not receive approval of the environmental report from IDEQ in time to commence or complete the preliminary design report in the time shown on Table 4. This effectively changes the completion date from January 1, 2017 to May 1, 2017.

Response: As Comment 2 states an Environmental Report is completed following, or *in conjunction with*, a Facilities Planning Study. The compliance schedule allows 60 days after the completion of the environmental report for notification that the preliminary design report is completed. It does not require that the preliminary design report must commence when the environmental report is completed. The Preliminary Design Report is expected to begin before and proceed in conjunction with the Environmental Report.

The compliance schedule requires notification that the final environmental report is completed one year after funding is obtained for the treatment and continue of discharge option. This is sufficient time to complete the environmental report for the effects of reducing total phosphorus discharges through the existing outfall, for the 30 day review time and public review process by IDEQ.

Concerning the comment that the IDEQ review time can be considerably longer than the 30 days allowed by state statute the federal regulation at 40 CFR 122.47(1) requires “any schedules of compliance ...shall require compliance as soon as possible...” The allowed review time for IDEQ is as soon as possible. Therefore IDEQ’s allowed review time is all that can be provided in the compliance schedule.

Further, the time from funding to completion of the Environmental Report is consistent with the City of Weiser’s one year interim compliance schedule for the treatment and continue to discharge option. In a letter dated April 9, 2013 Weiser notified the EPA that the IDEQ

reviewed and approved the Environmental Report two years eleven months from the effective date of the permit. The time required for IDEQ approval and completion of the Oxbow Environmental Report is three years from the effective date.

The permit is unchanged.

4. **Comment:** Table 4 Task 6 and Task 7: Because of the uncertainty associated with the term “completion” associated with the previous two comments as well as the uncertainty associated with the date of the EIRWWA can expect approval of the Environmental Document and the Preliminary Design Report, it may be more practical to establish a number of days allowed for preparation and submittal of the Final Design documents rather than a date required for completion. Similar to comments about, the EIRWWA has control of the submission of Final Design documents but not necessarily for completion depending upon the interpretation of the word complete.

Response: See Response to Comment 3. Task 6 is “Complete Final Design” and Task 7 is “Complete Bidding”. The response to comments and changes to the interim requirements eliminates any uncertainty in the required submissions. Since the completion date for the Environmental Report and the Preliminary Design Report are not changed the completion dates for Task 6, Complete Final Design or Task 7 Complete Bidding are unchanged.

The permit is unchanged.

5. **Comment:** A reasonable amount of time for Final Design effort is six months and three months for bidding. If the other requests are honored, the approximate completion date for Final Design in Table 4 would shift to November 1, 2017 and February 1, 2018 of completion of bidding. If the other requests are honored, the approximate completion date for Final Design in Table 4 would shift to November 1, 2017 and February 1, 2018 for completion of bidding.

Response: The draft and final compliance schedule for the Final Design is six months and the final compliance schedule to Complete Bidding is three months. See Response to comment 4.

The permit is unchanged.

6. **Comment:** Table 4 Task 8: The EIRWWA understands the Task Activity description to be requiring a Notice of Substantial Completion. As such the EIRWWA requires the language be modified from “complete” to: Substantially complete” per standard provisions found in bidding documents endemic to the industry such as those published by the EJCDC. If the other requests are honored, the approximate completion date for Substantial Completion in Table 4 would shift to January 1, 2019.

Response: The EPA will change the interim requirement for Table 4 Task 8 from Complete Construction to Construction Substantially Complete. See Response to Comments 3 and 4.

7. **Comment:** Table 4 Task 9: Biological phosphorus removal is a biological process that requires the cultivation and growth of biological organisms. These organisms are unique to each wastewater treatment plant and are unlikely to be of sufficient concentration in just over single sludge age, to remove phosphorus in the time required in Table 4, EIRWWA requests a minimum of 4 sludge ages or 90 days be allowed. Further, biological growth is retarded during cold weather and an adequate population of phosphorus reducing organisms may not develop during the winter months. Therefore, a practical approach solution would allow 90 days during warm weather, which in this case could be considered to begin no earlier than

April. If the other requests are honored, the approximate completion date for Final Design in Table 4 would shift to July 1, 2019 to Achieve Final Effluent Limitation.

Response: Table 4 Task 9 is the date for Oxbow to achieve compliance with the final phosphorus effluent limitations. It is one month after completion of construction. IDEQ has granted this compliance schedule to Oxbow. It is the same four year eleven month compliance schedule for the similar City of Weiser treatment and continuing to discharge option. The Weiser compliance schedule included a one month interim compliance schedule between completion of construction and achieving the final effluent limitation for total phosphorus. This time was from November 1, 2016 to December 1, 2016 that is in the winter season.

The permit is unchanged.