

Response to Comments
Proposed Draft NPDES Permit Number: ID-002800-2
City of Kamiah, Wastewater Treatment Plant

EPA received four comments during the public comment period from November 24, 2010 to December 27, 2010. These four comments are stated in the verbatim manner, except as corrected, and each corresponding response is described below every comment.

Comments from the Idaho Conservation League (“ICL”)

Comment #1

“Upon review of the proposed NPDES permit we conclude that the effluent limits for BOD5 and TSS appear sufficiently stringent and appropriate for reissuance. We are troubled by discussion within the Fact Sheet regarding the potential for entertaining future efforts to make these effluent limits less stringent. Should this be proposed in the future we will strenuously object.”

Response to Comment #1: If limits are proposed to be changed in the future, this action would require a public comment period.

No changes were made to the permit as the result of this comment.

Comment #2

“We believe that the permit needs to contain effluent limits for ammonia and for phosphorus; such limits are needed to ensure that water quality is not lowered, per anti degradation requirements.”

Response to Comment #2

EPA has considered your comment that antidegradation requirements require effluent limits for ammonia and phosphorus. EPA is required under Section 301(b)(C) of the CWA and implementing regulations (40 CFR 122.44(d)) to establish conditions in NPDES permits that ensure compliance with State or tribal water quality standards, including antidegradation requirements. This permit is being issued to a facility that is located on the Nez Perce Reservation. Because the Nez Perce Tribe has not applied for the status of Treatment as a State for purposes of the Clean Water Act, EPA evaluated the facility’s discharge using Idaho Water Quality Standards including Idaho’s antidegradation requirements to assure that the effluent limits will meet the downstream state’s standards.

EPA has determined that there is no basis under 122.44(d) to require limits for phosphorous and ammonia, and there is no basis to believe that not including limits for these parameters will lead to a lowering of water quality in either Tribal or downstream State waters.

The previous permit required effluent monitoring for ammonia. EPA conducted a reasonable potential analysis for ammonia based on data collected during the last permit cycle, EPA determined that there is no reasonable potential, consistent with 40 C.F.R. 122.44, for the facility’s discharge to exceed the Idaho Water Quality Standards for ammonia. See Fact Sheet, Appendix C. The previous permit did not require effluent monitoring for phosphorus. However,

EPA has no reason to believe that the facility is discharging phosphorus at levels that would cause or contribute to an exceedance of the downstream narrative Idaho Water Quality Standards. As a precautionary measure, EPA is requiring the monitoring of ammonia and phosphorus in both the effluent and in the receiving water during the present permit cycle for future analysis.

Consistent with anti-degradation requirements at 40 CFR 131.12(a)(2), the final permit will not allow a lowering of water quality in the receiving water, inclusive of ammonia and phosphorus. EPA's review of the permit application and the discharge monitoring report data indicate no anticipated changes in the design flow, actual flow or treatment processes that could result in a new or increased discharge of pollutants. Therefore, because there is no basis to believe that issuance of this permit will result in the discharge of increased concentrations or loadings of ammonia and phosphorus, EPA concludes that there will be no degradation of water quality in either Tribal or downstream State waters.

EPA is requiring the monitoring of ammonia and phosphorus in both the effluent and in the receiving water during the present permit cycle. If and when it is appropriate, EPA will require effluent limits for these parameters. No changes were made to the permit as the result of this comment.

Comments from the City of Kamiah ("City")

Comment #3

"After talking to the waste water treatment operators upstream and down stream from our location and finding out that neither plant is required to due [do] phosphorus testing on the Clearwater River. I am requesting that until this test is required by all systems that we remove it from the proposed re-issuance permit."

Response to Comment #3

The public comment period for this draft NPDES Permit applies only for permit conditions at the City of Kamiah Wastewater Treatment Plant, and cannot change monitoring requirements for other permitted dischargers along the Clearwater River. However in reviewing monitoring requirements as a result of the City's comment, EPA has reduced the monitoring requirements from the proposed permit because the reduced monitoring schedule should still be able to characterize the effects of the effluent stream. In addition, the receiving water is not known to be impaired for phosphorus, nor is there currently available information to suggest that the facility is discharging phosphorus at levels that exceed the adopted narrative Idaho Water Quality Standards for nutrients.

As a sewage treatment plant, phosphorus is part of the waste stream that is discharged from the facility. Therefore, monitoring of phosphorus levels in the effluent and in the receiving water are both necessary to characterize the phosphorus discharged in relation with the receiving water, and for comparison with applicable standards and guidance. As appropriate in the future, EPA may require effluent limits for phosphorus. In addition, Section 308(a) of the Clean Water Act includes the authority for monitoring requirements in order to determine if effluent limits are

necessary, and to develop those appropriate effluent limits. Due to these circumstances, EPA requires the monitoring of phosphorus in the effluent and in the receiving water.

After reviewing monitoring requirements as the result of the City's comment, the following changes were made to the final permit. These changes apply only for surface water monitoring, and no changes were made for effluent monitoring.

Changes from the proposed permit are as follows:

1. Elimination of downstream surface water monitoring as previously proposed. This is because the downstream concentrations can be mathematically projected from the combination of the upstream monitoring data and the effluent monitoring data which are required by the permit.
2. Reduced upstream surface water monitoring frequency as proposed from quarterly throughout the permit cycle, to quarterly frequency for the first three years of the permit cycle. This is because three years of quarterly monitoring would yield data from twelve monitoring events, which should be sufficient to characterize seasonal ambient conditions upstream from the facility for this permit cycle.

Comment #4

"I am also requesting a change in the E-Coli requirements to read 1 sample per week instead of 5 samples per month. The reason for this request is do to our lab samples are taken to Orofino once per week. This would require a special trip to Orofino several times through out the year adding to the monetary expenc[s]e of our lab work as well it would add several hours of added driving time and depreciation on our vehicles.

The procedure that we are currently using is that E-Coli goes to the lab once per week with rest of our lab samples. Then at the end of the month the E-Coli is calculated using the formula for geometric means using either four samples or five depending on the number of weeks in that month."

Response to Comment #4

No changes have been made to the permit as a result of this comment because the Geometric Mean Criterion as stated in the Idaho Water Quality Standards, requires that at least 5 samples to be taken every 3 to 7 days over a 30 day period. Idaho Water Quality Standards at IDAPA 58.01.02.251.01.a, states:

- a. Geometric Mean Criterion. Water designated for primary or secondary contact recreation are not to contain E. coli bacteria in concentrations exceeding a geometric mean of hone hundred twenty-six (126) E. coli organisms per one hundred (100) ml based on a minimum of five (5) samples taken every three (3) to seven (7) days over a thirty (30) day period.*

As listed in the Idaho Administrative Code for 2010, the above Idaho Water Quality Standard (IDAPA 58.01.02.251.01.a) had been adopted by the State of Idaho on April 11, 2006. The City must comply with the Geometric Mean Criterion from this regulation which required that a minimum of 5 samples be taken every three to seven days over a thirty day period. Therefore, the monitoring frequency for E. coli bacteria is unchanged from the proposed permit. No changes were made as a result of this comment.