

# RESPONSE TO COMMENTS

## Town of Coulee Dam NPDES Permit WA0020281 September 21, 2017

On August 16, 2017 the U.S. Environmental Protection Agency (EPA) issued a public notice for the reissuance of the Town of Coulee Dam National Pollutant Discharge Elimination System (NPDES) Permit No. WA0020281 (Draft Permit).

During the comment period, the EPA received comments from:

- Dana Cowger, P.E., Varela and Associates, Inc. The Mayor of the Town of Coulee Dam has authorized Varela and Associates to submit the comments to EPA on their behalf. In addition to the comments on permit conditions made by Varela and Associates, they stated the Town of Coulee Dam should assess the impact and determine whether a comment is warranted on several other permit conditions. The Town of Coulee Dam did not comment on the permit. Only comments from Varela and Associates are addressed.

The following changes to the Final Permit have been made as a result of the comment period:

- The frequency of enterococci monitoring is changed from five times per month to once per week.

**1. Comment:** Refer to page 2 of 27 pages under Schedule of Submissions, regarding the following items:

- a. Quality Assurance Plan (QAP) (per Part II.B of this permit)
- b. Operation and Maintenance (O&M) Plan (per Part II.A of this permit)
- c. Emergency Response and Public Notification Plan (per Part II.D of this permit)

The above items are shown with required completions “within 180 days after the effective date of the final permit.”

We recommend requesting EPA allow the wording to be revised to read: “within 180 days after the new treatment plant construction is complete and the plant is on line.”

**Response:** The QAP, O&M Plan and Emergency Response and Public Notification Plan must be completed prior to the start-up of the new plant. As the permit states: “Any existing O&M Plan may be modified for compliance with this section.”

The permit is not changed based on the comment.

**2. Comment:** Refer to page 2 of 27 pages under Schedule of Submissions, regarding List of the Industrial Users (per Part II.D of this permit). This is a new requirement, not included in the Town’s previous permit, however, it is not an uncommon requirement of NPDES permits. If the Town has not previously completed a list of industrial users, this will result in some additional work by Town staff. It is unlikely the Town will have any significant industrial users, as defined in the referenced section of the permit, with the exception of the USBR.

**Response:** The comment is noted. The permit is unchanged as a result of the comment.

**3. Comment:** Refer to Enterococci Bacteria parameter. The frequency has been changed from 1/week in the old permit to 5/month in the new permit. This is a minimal change. It would add an additional expense in months with 4 weeks vs 5 weeks – i.e. 52 samples per year under old permit

vs. 60 samples per year under the new requirement. Also, depending on the Fecal Coliform sampling frequency, it will create inconvenience and confusion in scheduling with your Fecal Coliform sampling. We recommend requesting EPA allow the sampling frequency be revised back to 1/week as per the previous permit.

**Response:** The frequency of enterococci bacteria monitoring is changed from five times per month to once per week consistent with the existing permit and the fecal coliform monitoring frequency. This will avoid inconvenience and confusion in scheduling with the fecal coliform sampling.

The monthly water quality standards for enterococci bacteria is “calculated as the geometric mean of the collected samples approximately equally spaced over a thirty day period.” Weekly monitoring is equally spaced over a thirty day period complying with the standard.

4. **Comment:** Refer to Fecal Coliform Bacteria parameter. The permit limit for this parameter has been revised from Average Monthly = 200 and Average Weekly = 400 in your previous permit, to a new limit of Average Monthly = 50. These are significant revisions to the permit limit and sampling frequency. Regarding the permit limit change, there is a resulting impact to the disinfection system of the new plant that is currently under construction. This is unfortunate since the engineering report and the project design documents have been on file at EPA and the Colville Tribes for the last two years, based on the previous permit limitations. We are currently researching the effects of the potential revision and the cost impact to the plant construction, UV equipment and potential design changes to accommodate. The cost and physical impact of the potential limit revision (i.e. equipment, design revisions, contractor schedule, etc.) is unknown at the time of this comment. Investigations are underway. We recommend requesting EPA not implement the changes to the Fecal Coliform limits, and remain at the levels of the previous permit.

**Response:** As the fact sheet states the Colville Business Council adopted water quality standards for fecal coliform. Since the Colville Tribe does not have a designation of Treatment as State the EPA certifies the permit pursuant to Section 401 of the Clean Water Act. Under Section 401(d) of the Clean Water Act, the EPA is applying the Tribe’s adopted fecal coliform water quality standard as a requirement of tribal law.

Further, waters of the State of Washington are directly downstream of the discharge. The Washington state water quality standard for fecal coliform is the same as the Colville Tribe’s standard of 50 counts/100 mL. Therefore, the 50 count/100 mL effluent limit in the permit also ensures that the downstream affected state’s waters are protected.

The permit is not changed based on the comment.

5. **Comment:** Refer to Fecal Coliform Bacteria parameter. The sampling frequency has been increased from 1/month in the previous permit to an increased frequency of 1/week. Regarding the sampling frequency revision from 1/month to 1/week, this represents an increase of 4 times the previous permit and will have budget implications to the Town.

We request EPA not implement the changes to the sampling frequency, and remain at the levels of the previous permit.

**Response:** See Response to Comment 4. Compliance with the Tribe’s WQS requires weekly monitoring. Weekly monitoring is established using the Tribe’s WQS per Section 401(d) as a condition to meet “appropriate requirement(s) under State Law.”

The weekly bacteria fecal coliform compliance monitoring is consistent with weekly bacteria enterococci compliance monitoring.

The Colville Tribe stated in an email from Todd Thorn, Watershed Program Manager, Office of Environmental Trust, Confederated Tribes of the Colville Reservation to John Drabek on August 3, 2017:

“The Confederated Tribes of the Colville Reservation have a water quality standard criterion for fecal coliform in tribal code. There is no criterion for enterococci bacteria in the tribal code.

Tribal codes are laws of the Reservation, adopted following administrative procedures (also established by code) and by resolution of the Colville Business Council. You will see the Council resolution numbers and adoption dates footnoted in the attached copy of the tribal WQS. The tribal WQS were first adopted in 1984, amended in 1985 and again in 2010. 40CFR131.35 includes much of the same language as the tribal code, but has a criterion for enterococci instead of fecal coliform.

The code classifies the Columbia River as a Class I (Extraordinary) water as does the CFR. Given the tribal fecal coliform criterion and Class I (Extraordinary) water class for the River, a permit requiring one grab sample for fecal coliform per week from the wastewater stream of a facility discharging up to 0.5 Mgd/month into the River within the Reservation seems well justified.”

The EPA agrees with the Colville Tribe that weekly monitoring of fecal coliform is justified.

The sampling frequency of fecal coliform discharges is unchanged from the draft permit at once per week.

6. **Comment:** Fact Sheet Comment: Refer to Table 4, page 13 and Table 5, page 14. Refer to the Maximum Daily Limit of 75. This limit is not consistent with and not included in the NPDES permit limitation for Fecal Coliform. It appears this is an error and correctly should be applied to the Enterococci Bacteria maximum daily limit. It is important EPA confirm whether this is in error as soon as possible as it has significant impacts to the UV disinfection system if it were to apply to Fecal Coliform.

**Response:** The EPA confirms Table 4, page 13 and Table 5 page 14 of the Fact Sheet is in error. The maximum daily limit of 75#/100 ml listed in the tables for fecal coliform is a typographical error and the should be listed for enterococci as the maximum daily limit. The permit correctly lists the maximum daily limit for enterococci as 75#/100 ml and not for fecal coliform.

The permit is not changed based on the comment.