



FACT SHEET

Public Comment Period Start Date: March 31, 2011

Public Comment Expiration Date: May 2, 2011

**The United States Environmental Protection Agency (EPA)
Plans To Reissue A Draft National Pollutant Discharge Elimination System (NPDES)
Permit**

**The City of Weiser
Wastewater Treatment Plant**

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Permit No. ID002029-0

EPA is Reopening for Public Comment a Draft NPDES Permit

EPA is reopening the public comment period on the draft permit for the facility referenced above, pursuant to 40 CFR 124.14(c).

EPA is seeking public comment on the following issues:

- The 7.5 year compliance schedule that allows the City to land apply to meet the phosphorus effluent limits in the permit; and
- The antidegradation analysis.
- Changing the annual total phosphorus limitations to seasonal limitations.

The original public comment period was January 28, 2010 to March 3, 2010.

State Certification for Facilities that Discharge to State Water

Section 401 of the federal Clean Water Act requires EPA to seek State certification before issuing a final permit. On November 30, 2010 the Idaho Department of Environmental Quality issued a final Section 401 Water Quality Certification for the reissuance of the City of Weiser NPDES permit. IDEQ certified both the 7.5 year compliance schedule, the antidegradation analysis and the seasonal total phosphorus limitations comply with the water quality standards of the State of Idaho.

Description of the Facility

The City of Weiser owns, operates and has maintenance responsibility for a facility that treats domestic sewage that is primarily from local residents and commercial establishments through a separated sanitary sewer system. Jon-Lin Foods, LLC formerly Appleton Produce, Inc. is the

only industrial discharger to the system and discharges approximately 0.046 million gallons per day (mgd) to the treatment system. They produce onion rings and other frozen food products.

Primary treatment consists of screening. Secondary treatment is biological using the activated sludge process in four aeration basins where wastewater is vigorously mixed with air and microorganisms acclimated to the wastewater in a suspension for several hours. This suspended growth process is designed to remove biodegradable organic material and organic nitrogen-containing material by converting ammonia nitrogen to nitrate. The microbial growth is suspended in the aerated water mixture where the air is pumped in to allow oxygen transfer. The suspended growth process speeds up the work of aerobic bacteria and other microorganisms that break down the organic matter in the sewage by providing a rich aerobic environment where the microorganisms suspended in the wastewater can work more efficiently. The microorganisms grow in number and the excess biomass is removed by settling in the secondary clarification tanks. Now activated with millions of additional aerobic bacteria, some of the biomass is used again by returning it for mixing with incoming wastewater. Disinfection is by chlorination.

Digested solids are treated by a dissolved air floatation tank and three aerobic digesters, Solids and filtrate are separated with the filtrate returning to the headworks and the pressed solids hauled to a landfill for final disposal.

The facility serves a population of 5,500 and has a design flow rate of 2.43 mgd. The annual average daily flow reported in the permit application is 1.20 mgd, while the maximum daily flow rate was 1.40 mgd.

Public Comment

Persons wishing to comment or request a Public Hearing on the 7.5 year compliance schedule, the antidegradation analysis or the change from annual effluent limitations to seasonal limits may do so in writing by the expiration date of the Public Comment period. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for Public Hearings must be in writing and should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the Public Notice expires, and all comments have been considered, EPA's Regional Director for the Office of Water and Watersheds will make a final decision regarding the reissued permit. EPA received comments during the previous public comment period on this permit. EPA will address these comment along with any comment received during this comment period before issuing the final permit to the facility. The permit will become effective 30 days after the date of issuance, unless an appeal is submitted to the Environmental Appeals Board within 30 days.

Documents are Available for Review.

The draft permit and fact sheet are posted on the Region 10 website at <http://yosemite.epa.gov/r10/WATER.NSF/NPDES+Permits/DraftPermitsID> Copies may also be requested by writing to EPA at the Seattle address below, by e-mailing washington.audrey@epa.gov, or by calling Audrey Washington at 206-553-0523 or (800) 424-4372 ext 0523 (within Alaska, Idaho, Oregon, & Washington). Copies may also be inspected and copied at the offices below between 8:30 a.m. and 4:00 P.M., Monday through Friday, except federal holidays. In Seattle, visitors report to the 12th floor Public Information Center.

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Basis for Reopening Public Comment Period

Additional Compliance Schedule

During the original public comment period, the City of Weiser (City) proposed a second compliance schedule to allow for land application to meet the phosphorus limits in the draft permit. Specifically, the City stated the following:

Due to the time required to locate suitable property, negotiate and complete a purchase, and complete environmental impact study for the new site, the City would not be able to consider a new plant site as an option with a five year compliance schedule. More specifically the two options being considered would reduce or remove effluent flow to the Snake River.

“One option is to purchase new property and build an entire new lagoon treatment system at a new location. The new treatment system would consist of a facultative lagoon, winter storage lagoon and a land application site. Wastewater would be treated year round in the facultative lagoon and discharged to the winter storage lagoon. The effluent in the winter storage lagoon would be used to grow alfalfa or other suitable crops on the land application site during the summer. All of the stored water would be used each summer. Thus, discharge to the Snake River would be eliminated year-round.

A second option would be to upgrade the existing plant and purchase new property for land application during the summer. The treatment system upgrades would be those necessary to keep the plant operating for 20 plus years to meet all the permit limits during the period when phosphorus limits do not apply (May 1 to September 30). Water would be treated at the plant year-round and discharged to the Snake River from October 1 to April 30 and to a summer storage lagoon from May 1 to September 30. The water in the summer storage lagoon would be used to grow alfalfa (or other suitable crops) on the land application site during the summer. All the stored water would be used each summer. This discharge to the Snake River would be eliminated from May 1 to September 30.” The city finds acceptable a compliance schedule of seven years and six months shown in the figure below.

EPA has determined that it will add an alternative compliance schedule to the final permit pursuant to 40 CFR 122.47(b)(3). The City is proposing the option of eliminating the discharge to the Snake River all year or during the period when the seasonal phosphorus limits apply, May 1 to September 30. The alternative is to meet the effluent limitations by treatment using the existing facility. This alternative continues the NPDES regulated activity of discharge to the Snake River.

40 CFR 122.47(b)(3) allows for alternative schedules of compliance in a NPDES permit as long as the following conditions are met:

- (i) Both schedules contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;
- (ii) One schedule lead to timely compliance with applicable requirements, no later than the statutory deadline;
- (iii) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements no later than the statutory deadline;
- (iv) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

In addition, "[t]he applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of directors of a corporation." The commitment must be evidenced by a letter submitted by July 1, 2013 to EPA signed by either a principal executive officer or ranking elected official.

The permit meets the requirements of 40 CFR 122.47(b)(3) in the following way:

- (i) The permit establishes two compliance schedules with an identical interim deadline requiring a final decision on whether to cease conducting regulated activities by July 1, 2013. The regulated activity is discharge to the Snake River during the period from May 1 through September 30 or all year. The deadline to decide to continue with this regulated activity is July 1, 2013. Based on the City's letter of June 7, 2010 comment and a follow-up phone call with Glen Holdren, Project Manager with Keller Associates, EPA believes that this deadline leaves sufficient time to comply with the applicable requirements in the permit in a timely manner if the City's decision is to continue the discharge to the Snake River. The treatment option deadline in Condition I.C.1. is four years and eleven months from the effective date of the permit.
- (ii) The permit refers to a timely compliance schedule for the non-cessation option which in this case is treatment. The compliance schedule implements a WLA from the TMDL. The four year eleven month deadline in Condition I.C.1. is a common period for installation of treatment systems under NPDES permits and is therefore timely.

- (iii) The permit establishes a deadline for cessation of the discharge to the Snake River of January 1, 2018 in Condition I.C.2. This discharge ensures timely compliance with applicable CWA requirements. This is based on submission of the above timeline, consultation with IDEQ's land application specialist, discussions with the City and not allowing the margin of safety requested by the City.
- (iv) The permit requires the City to follow the compliance schedules for the selected option. If the option is to continue with the discharge, the City must follow the compliance schedule in Condition I.C.3.c. If the decision is to cease the discharge to the Snake River with the land application option, the City must follow the schedule leading to termination during either the period May 1 through September 30 or all year in Condition I.C.3.b.

In addition, pursuant to 40 CFR 122.47(b)(4), EPA has required that “[t]he City’s decision to cease conducting the discharge to the Snake River shall be evidenced by a firm public commitment satisfactory to EPA no later than July 1, 2013.”

Pursuant to 40 CFR 122.47(a)(3), a permit with a compliance schedule must have interim requirements and dates for achievement. EPA has included interim requirements and dates for their achievement.

Pursuant to 40 CFR 122.47(a)(1), “Any schedules of compliance under this section shall require compliance as soon as possible.” The permit meets this requirement by not allowing the requested margin of safety for the cessation of discharge option.

To ensure consistency with the SR-HC TMDL, the interim and final phosphorus limits have been changed to seasonal from May 1 to September 30 and no limits from October 1 to April 30. Compliance monitoring is required from May 1 to September 30. In addition, monitoring is also required from October 1 to April 30 to gather data for the next permit cycle.

Antidegradation

EPA is required under Section 301(b)(1)(C) of the Clean Water Act (CWA) and implementing regulations (40 CFR 122.4(d) and 122.44(d)) to establish conditions in NPDES permits that ensure compliance with State water quality standards, including antidegradation requirements. The fact that the State of Idaho has not identified methods for implementing its antidegradation policy does not prevent EPA from establishing such conditions.

As explained below, the City of Weiser NPDES permit contains limits as stringent as necessary to ensure compliance with all applicable water quality standards, including Idaho’s antidegradation policy (IDAPA 58.01.02.051). As explained in detail below, the reissued permit ensures that “the existing in stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected” consistent with the requirements of 40 CFR 131.12(a)(1) and IDAPA 58.01.02.051.01. Relative to the prior permit issued in 2001, the reissued permit does not allow lower water quality for those parameters where the receiving water quality “exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water,” therefore, the reissued permit maintains and protects the existing level of water quality, consistent with 40 CFR 131.12(a)(2) and IDAPA 58.01.02.051.02. Finally, the antidegradation policy for outstanding resource waters is inapplicable in this reissued permit because no waters of the State of Idaho are designated as “outstanding resource waters” (IDAPA 58.01.02.051.03).

The reissued permit ensures compliance with the State of Idaho’s antidegradation policy and CWA regulations because the permit conditions ensure protection of existing uses and do not allow lower water quality relative to the prior permit. Under the circumstances of this reissued permit, EPA may issue an NPDES permit even though the State has not yet identified methods for

implementing its antidegradation policy. In its antidegradation analysis below, EPA is applying a parameter-by-parameter approach in determining compliance with Idaho's antidegradation requirements.

EPA Antidegradation Analysis

Protection of Existing Uses (IDAPA 58.01.02.051.01 and 40 CFR 131.12(a)(1))

Idaho Water Quality Standards (WQS) summarize the surface water use designations for the State of Idaho: that all waters of the State of Idaho are protected for the uses of industrial and agricultural water supply (IDAPA 58.01.02.100.03.b and c), wildlife habitats (IDAPA 58.01.02.100.04) and aesthetics (IDAPA 58.01.02.100.05). The receiving water is the Snake River between the Weiser River and Scott Creek and is protected for cold water aquatic life. Cold water is water quality appropriate for the protection and maintenance of a viable aquatic life community for cold water species. This segment of the Snake River is also designated for domestic water supply and primary contact recreation for water quality appropriate for prolonged and intimate contact by humans or for recreational activities when the ingestion of small quantities of water is likely to occur. Such activities include, but are not restricted to, those used for swimming, water skiing, or skin diving. As there is no available information indicating the presence of any existing uses other than the designated uses discussed above, EPA believes the permit ensures that the level of water quality necessary to protect the designated and existing uses is maintained and protected in compliance with IDAPA 58.01.02.051.01 and 40 CFR 131.12(a)(1)).

Specifically, the Snake River is listed for phosphorus, TSS, temperature, mercury, pH and bacteria under CWA section 303(d). The State of Idaho developed the *Snake River Hells Canyon TMDL*, June, 2004 which was approved by EPA in September, 2004. The TMDL developed allocations for phosphorous, temperature and TSS (sediment). The effluent limits in the permit for phosphorus, TSS, and temperature are consistent with the approved wasteload allocations (WLA) in the TMDL and ensure compliance with the Idaho water quality standards. The TMDL does not provide allocations for mercury, pH and bacteria. However, the permit does address these pollutants.

The permit contains a requirement for monitoring mercury because there was insufficient data to perform a reasonable potential analysis. Both IDEQ and EPA found the mercury monitoring data available did not meet the necessary precision to determine reasonable potential to violate water quality standards. EPA requires a minimum level of detection (ML) of 0.005 µg/L (Analytical Methods for Mercury in National Pollutant Discharge Elimination System (NPDES) Permit, James A Hanlon, August 23, 2007). The ML for the mercury monitoring submitted by Weiser was not adequate to meet the necessary ML required by EPA; it varied between 0.01 and 0.2 µg/L. To address this requirement, the permit contains a requirement for monitoring mercury with methods that achieve the lower ML.

Although the TMDL does provide an allocation for pH and bacteria, the permit contains effluent limits for these pollutants that are set at levels that will ensure protection of the designated and existing uses. See Appendix B of the Fact Sheet pages 26 and 28. The effluent limits for pH are 6.5 to 9.0 that are identical to the prior permit. The effluent monthly limits for *E-coli* is 126 colonies per 100 mL and the instantaneous limitation is 406 colonies per 100mL. These limits are identical to the limits in the prior permit.

High Quality Waters (IDAPA 58.01.02.051.02 and 40 CFR 131.12(a)(2))

For all parameters other than those identified above as listed on the CWA 303(d) list, EPA is assuming that the receiving water is high quality water with water quality levels that exceed "levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on

the water.” Therefore, EPA considers the provisions of IDAPA 58.01.02.051.02, for high quality waters, to be applicable to the receiving waters for all parameters except phosphorus, TSS, temperature, mercury, pH and bacteria.

All of the effluent limits for parameters not on the 303(d) list in the reissued permit are as stringent as or more stringent than the corresponding limits in the prior (2001) permit. These pollutants are BOD₅, TSS and total residual chlorine. Therefore, for those pollutants for which the receiving water is high quality, the reissued permit does not authorize an increased discharge of any pollutant that was limited in the prior permit because the limits are unchanged.

As to those pollutants present in the discharge for which there are no effluent limits in both the reissued permit and the prior permit, there is no factual basis to expect that those pollutants will be discharged in greater amounts under the reissued permit than were authorized in the prior permit. Similarly, there is no factual basis to expect that the effluent contains any new pollutants that have not been discharged previously. EPA reached these conclusions because the permit application and the discharge monitoring report data indicate no changes in the design flow, actual flow, influent quality or treatment processes that could result in a new or increased discharge of pollutants.

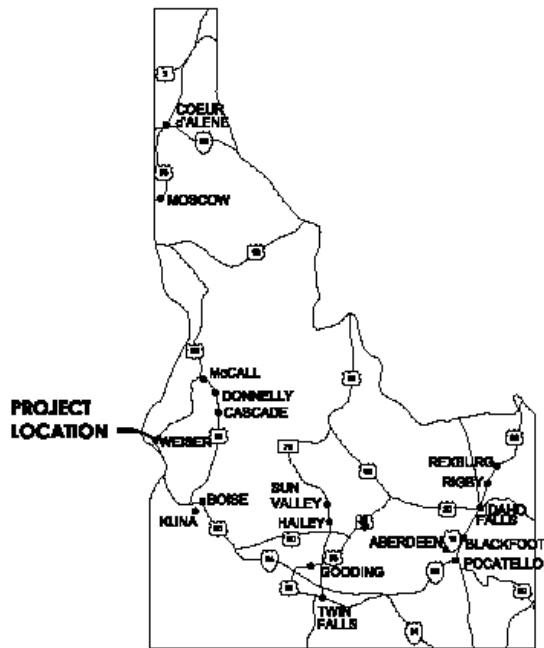
Summary

In summary, the effluent limits in the reissued permit are as stringent as or more stringent than the corresponding limits in prior 2001 permit for all parameters for which the receiving water quality “exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water.” Furthermore, the reissued permit will not authorize an increased discharge of any pollutants that were not subject to effluent limits under the prior permit.

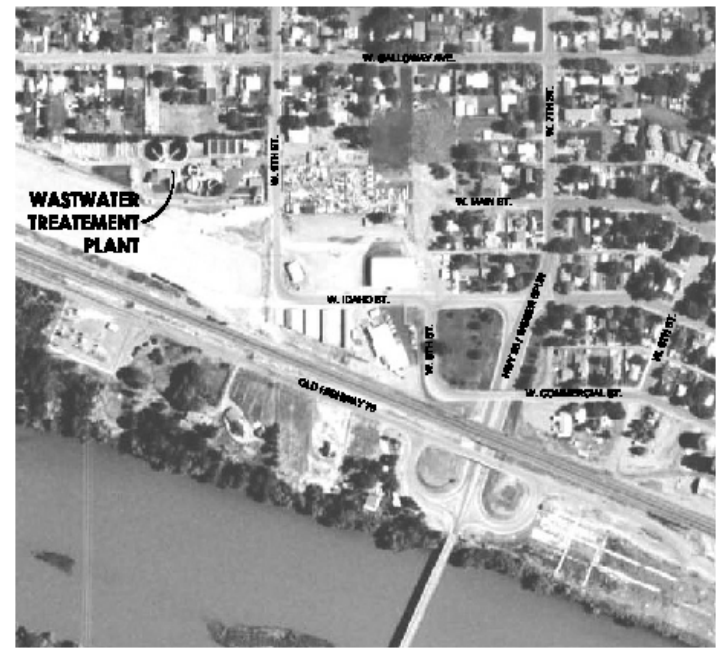
The reissuance of the City of Weiser NPDES permit will therefore not allow lower water quality relative to the prior permit. Consequently, there is no need for the State of Idaho to make a finding that “allowing lower water quality is necessary to accommodate important economic or social development” under IDAPA 58.01.02.051.02. Under these circumstances, EPA may issue an NPDES permit even though the State of Idaho has not yet identified methods for implementing its antidegradation policy.

The State of Idaho issued a final certification stating the effluent limitations in the draft permit for the City of Weiser are set at levels that ensure the State’s numeric and narrative criteria will be met.

CITY OF WEISER, IDAHO WASTEWATER TREATMENT PLANT



A1 LOCATION MAP
N/A



A4 VICINITY MAP
N/A

