U.S. ENVIRONMENTAL PROTECTION AGENCY

Response to Comments on the Draft NPDES Permit for the City of Nampa

Permit No. ID0022063

September 2016

Overview

The EPA issued a draft National Pollutant Discharge Elimination System (NPDES) permit for the City of Nampa for public review and comment on July 23, 2015. The public comment period was scheduled to close on September 21, 2015, but was extended to October 21, 2015. The EPA received comments from the Idaho Conservation League (ICL), the City of Nampa (Nampa), the City of Boise (Boise), and Idaho Rivers United (IRU) during the public comment period.

Comments Received During the Public Comment Period

Comment #1 (ICL and IRU)

ICL stated there should be no seasonal variation in limits for copper, cyanide or mercury. ICL stated that the seasonal variations in effluent limits for these pollutants appear to be based on the seasonal variations in low flow scenarios in the receiving waters. ICL stated that since reducing the amount of these pollutants in the WWTP discharge is not a function of altered WWTP operations or upgrades – but rather influent reductions – there should be no seasonal variation in facility discharges of these pollutants. And, there should be no seasonal variations in metals and cyanide inflow.

In its comments on the draft NPDES permit for the City of Nampa, IRU stated that there is no acceptable justification for allowing a higher discharge of mercury, cyanide and copper in December, January and February.

Response #1

As stated by ICL in its comments, seasonal differences in water quality-based effluent limits in the draft permits for copper, cyanide and mercury are due, in part, to the fact that the EPA has calculated seasonal values for the critical low flows in the receiving waters.

In addition, water quality criteria for copper are dependent upon hardness, and seasonal changes in hardness were also considered in the calculation of effluent limits for these parameters. As discussed in Section 4.3.3.1 of the draft *Idaho Mixing Zone Implementation Guidance* (IDEQ 2015), establishing effluent limits for metals based on year-round critical conditions for both hardness and stream flow, without regard to seasonal variation, could result in effluent limits that are more stringent than necessary, because minimum hardness and minimum stream flow may not occur simultaneously. For example, as stated on Page B-2 of the fact sheet, there is a significant difference in the hardness in Indian Creek during April – October relative to November - March. Thus, it is reasonable for the EPA to consider seasonal variation in receiving water flow and hardness when calculating such limits.

The EPA does not have the information necessary to determine if there are seasonal variations in the influent concentrations or loads of metals or cyanide, however, such variations are possible. For example, influent loading of these parameters could vary because of inflow and infiltration during wet weather, or because of seasonal changes in loading from industrial users of the treatment plant.

The means of achieving compliance with a water quality-based effluent limit (i.e., influent reductions, improved treatment, or some combination of these) is irrelevant to the calculation of such limits. Water quality-based effluent limits are calculated based on the water quality criteria (which vary seasonally for copper, in response to seasonal changes in hardness) and the dilution afforded by the mixing zones

authorized by the State of Idaho (which varies seasonally in response to changes in stream flow). They are not based on the feasibility of treatment or other means of achieving compliance.

Effluent limits for each season were calculated based on seasonal critical conditions for discharge and receiving water flow, and, where applicable, hardness. The effluent limits will therefore ensure compliance with water quality standards for these pollutants at all times.

Comment #2 (ICL and IRU)

ICL has expressed support for the Lower Boise River TMDL: 2015 Total Phosphorus Addendum's conclusion to develop waste load allocations consistent with effluent concentrations of 0.1 mg/l in the May 1 – September 30 period and 0.35 mg/L in the October 1 – April 30 time period.

ICL stated their understanding that the maximum amount of TP that can be discharged by the WWTPs would be the appropriate seasonal concentration target (i.e., either 0.1 mg/l in the May 1 – September 30 period and 0.35 mg/L in the October 1 – April 30 time period) applied to the facility's design flow. For Nampa, this would result in a maximum discharges as follows, expressed as monthly averages: 15 lb/day TP during May 1 – September 30 and 52.6 lb/day during the October 1 – April 30 period.

ICL stated that the TMDL developed concentration based waste load allocations. Thus, the TP effluent limits in the permits need to be based on a combination of effluent concentration and discharge volume. It is not appropriate to only articulate the limits in terms of lb/day loading. Rather, the limits need to be expressed such that the discharges do not exceed a concentration of either 0.1 mg/l in the May 1 – September 30 period or 0.35 mg/L in the October 1 – April 30 time period and also does not exceed a total load discharge equivalent to those concentrations at the facilities' design flows.

ICL stated that, to be consistent with the TMDL, the concentration limits cannot be exceeded. This is the case even if the total loading is less than the values listed above.

ICL stated that, when the WWTPs discharge at flows less than their design flows, the difference between the design and actual effluent flows results in a diminished capacity for the Boise River to assimilate and/or dilute phosphorus. In order to keep this reduced dilution capacity from impairing TMDL compliance, the final effluent limits for the WWTPs must contain a concentration based limit.

During periods of lesser discharge flow from the facilities (i.e. less than the design flows) total loading has to be kept in check by requirements to not exceed the concentration of either 0.1 mg/l in the May 1 – September 30 period or 0.35 mg/L in the October 1 – April 30 time period.

See the NPDES permit for the City of Boise's West WWTP ID0023981 for an example of permit limits that are expressed as both a concentration and a load.

IRU stated that the Snake River and Boise TMDLs were developed based on concentrations of TP (0.01 mg/L and 0.35 mg/L seasonally) not on average monthly and average weekly limits of pounds per day. These plants are not operating at their design capacities and shouldn't be allowed to discharge the load for the design capacity. EPA should amend the permit to express total phosphorus limits in concentrations and load. To be consistent with the TMDL, the concentration limits cannot be exceeded. This is the case even if the total loading is less than the wasteload allocations. Also, EPA requires that effluent be monitored and reported in concentrations. Citizens must be able to check compliance with the permit monthly reports made to EPA.

Response #2

Federal regulations state that NPDES permits shall include effluent limitations that "are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7." The reference to 40 CFR 130.7 refers to the EPA's approval of TMDLs developed by States.

Federal regulations also state that, in general, "all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass," although "pollutants limited in terms of mass additionally *may* be limited in terms of other units of measurement…" (40 CFR 122.45(f), emphasis added). Thus, in general, mass limits are mandatory, and limits in terms of other units of measurement are discretionary.

In the case of total phosphorus (TP) for the subject permit, effluent limits in terms of mass are sufficient to ensure consistency with the wasteload allocations (WLAs) for this facility in the EPA-approved *Lower Boise River TMDL: 2015 Total Phosphorus Addendum* (LBR TMDL TP Addendum) (IDEQ 2015).

The LBR TMDL TP Addendum does not establish concentration-based WLAs. The TP WLAs for the City of Nampa are as follows:

- May 1 – September 30 (Table 27, Page 93): 15.0 lb/day
- October 1 – April 30 (Table 34, Page 109): Nampa: 52.6 lb/day

The caption for Table 27 (which lists the May – September WLAs) reads, "Point source wasteload allocations for the lower Boise River, May 1–September 30. Wasteload allocations at TP concentrations of 0.1 mg/L are presented per day as monthly averages. DEQ intends that wasteload allocations are to be expressed as average monthly limits." The column heading for the October 1 – April 30 WLAs in Table 34 reads "Oct–Apr Average TP Allocation (lb/day as a monthly average) at TP Conc. = 0.35 mg/L."

Although the caption in Table 27 and the column heading in Table 34 state concentration values, the allocations themselves are listed in the tables exclusively as mass loading rates, in units of pounds per day. This is clear from the parenthetical in the column headings for the WLAs in Tables 27 and 34, which reads, "lb/day as a monthly average."

The EPA's interpretation of the LBR TMDL TP Addendum is that the concentrations are provided to explain how the mass wasteload allocations were calculated, i.e., the allocations were calculated "at" certain concentrations, and at the design flows of the point sources. Multiplying the concentrations by the design flows and the density of water yields the mass wasteload allocations in units of pounds per day.

These concentrations were also used, in combination with the design flows, to represent the point source discharges in the AQUATOX model (see the LBR TMDL TP Addendum at Section 5.4.3 and Appendix D). Because the design flows were used in the modeling, the entire loading allocated to the point sources by the mass WLAs was simulated in the modeling supporting the TMDL, and the establishment of a mass limit equal to the WLA is therefore consistent with the assumptions and requirements of these WLAs.

ICL stated that "when the WWTPs discharge at flows less than their design flows, the difference between the design and actual effluent flows results in a diminished capacity for the Boise River to

assimilate and/or dilute phosphorus." While the effluent flow rates of the subject POTWs influence the flows (and therefore the loading capacity) in the Boise River and its tributaries, the TMDL used appropriate conservative assumptions to determine the assimilative capacity, including using the 90th percentile low flow in the Boise River. Using a low flow rate for the river takes into account the variation in all of the factors that influence river flows, including variations in effluent flows from the subject POTWs. Thus, the Boise River's loading capacity for total phosphorus, as calculated and allocated in the TMDL, is not dependent upon a certain level of discharge flow from the POTWs.

The City of Boise's NPDES West Boise Wastewater Treatment Facility permit (#ID0023981) referenced by ICL was issued prior to the State of Idaho's development and the EPA's approval of the LBR TMDL TP Addendum. Thus, the TP effluent limits in that permit were not based on the LBR TMDL TP Addendum. Rather, the TP effluent limits in the City of Boise permit were based directly upon the State of Idaho's narrative criterion for nutrients (IDAPA 58.01.02.200.06), consistent with 40 CFR 122.44(d)(1)(vi) (see the Fact Sheet for the West Boise Wastewater Treatment Facility at Pages C-21 – C-26). As such, it is not appropriate to compare the TP effluent limits in the West Boise Wastewater Treatment Facility permit to the TP limits in the Nampa permit.

The fact that the TP effluent limits are expressed in terms of mass does not prevent citizens from checking compliance with the permit monthly per reports made to EPA. The mass TP limits are enforceable and the actual mass of TP discharged must be reported each month. Effluent data reported to the EPA is publicly available through the Discharge Monitoring Report (DMR) Pollutant Loading Tool[1], Envirofacts[2], and Enforcement and Compliance History Online (ECHO)[3].

Comment #3 (IRU)

IRU does not support the proposed schedule of compliance for total phosphorus. EPA should not allow Nampa 9 years and 11 months to comply with the Total Phosphorus limits. That's longer than a full permit cycle. Nampa has had more than a decade to figure out how to decrease phosphorous discharge, something that has been accomplished in less than 10 years by WWTPs across the nation including some in the Treasure Valley. These permit limitations are no surprise to anyone, and there's no reason to give them 6 years to complete final design.

Response #3

The EPA has reviewed the schedule of compliance for new water quality-based effluent limits for phosphorus authorized by the Idaho Department of Environmental quality in its Clean Water Act Section 401 certification and has determined, consistent with 40 CFR 122.47(a)(1), that the schedule requires compliance as soon as possible.

Consistent with 40 CFR 122.47(a)(3), the compliance schedule includes interim requirements and the dates for their achievement. The interim requirements are substantial, including such actions as implementing biological phosphorus removal, upgrades to solids handling, implementing process, obtaining funding, planning, design, and construction. The EPA believes each of these interim steps are necessary to ultimately achieve the final water quality-based effluent limits for TP. The EPA also

[1] http://cfpub.epa.gov/dmr/
[2] http://www.epa.gov/enviro/pcs-icis-overview
[3] https://echo.epa.gov/

believes that the time intervals between these interim requirements, and, in turn, the total amount of time allowed to achieve compliance, are reasonable.

Comment #4 (Nampa)

Nampa requested that the average weekly effluent limits for total phosphorus limits be removed from their permit.

Response #4

Federal regulations require that, for POTWs that discharge continuously, "all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall unless impracticable be stated as…average weekly and average monthly discharge limitations" (40 CFR 122.45(d)).

Thus, in order to remove the average weekly effluent limits for total phosphorus from the permits, the EPA would need to make a finding that it is "impracticable" to state the effluent limits as average weekly and average monthly discharge limitations.

The LBR TMDL TP Addendum establishes TP WLAs that are monthly averages. The draft permits also propose average weekly limits that are derived from the average monthly WLAs. As explained in Appendix F to the fact sheet, because attainment of the proposed average monthly effluent limits for TP will require upgrades to the POTW, the historic effluent variability for TP may not be representative of future effluent variability. Instead of using the historic effluent variability for TP to calculate average weekly limits, the EPA made an assumption regarding the future, post-upgrade effluent TP variability (as quantified by the coefficient of variation or CV).

However, the EPA has determined that it is impracticable to state the TP effluent limits as average weekly limitations at this time, since, if the actual effluent variability is significantly different than the EPA's assumptions, then the average weekly limits will not be appropriate.

Because the future, post-upgrade effluent variability is unknown, it is impracticable for the EPA to properly calculate average weekly effluent limits for TP at this time. Thus, the EPA has deleted the proposed average weekly TP limits from the final permit. Since the WLAs are expressed as monthly averages, average monthly limits are adequate to ensure that the effluent limits are consistent with the assumptions and requirements of the TMDL's WLAs.

Comment #5 (Nampa)

Nampa requested in their comments that the EPA not include *Selenastrum capricornutum* in the screening for the most sensitive species in the whole effluent toxicity (WET) testing requirements.

Nampa stated that the whole effluent toxicity (WET) testing requirements list short-term tests using *Selenastrum capricornutum* (growth test). *Selenastrum capricornutum* is a green algae and is sensitive to low-level nutrients (i.e. reductions to permit levels for TP could cause impaired growth). The City's NPDES permit is being driven by a TMDL aimed at reducing algae in the Lower Boise River. Therefore, it seems somewhat counterintuitive that the WET testing could become problematic if other goals in the permit are achieved. The City believes that because two other indicator organisms used for WET testing (*Ceriodaphnia dubia* and *Pimephales promelas*) provide a sufficient assurance that the City's discharge will not impact aquatic species.

Response #5

The TSD states that, "to provide sufficient information for making permitting decisions, EPA recommends a minimum number of three species, representing three different phyla (e.g., a fish, an invertebrate, and a plant) be used to test an effluent for toxicity" (Section 1.3.4, Page 16).

The only plant for which there is a chronic whole effluent toxicity test approved by the EPA for nationwide use is EPA Method 1003.0, which is a growth test for the green alga *Selenastrum capricornutum* (40 CFR 136.3, Table IA). Thus, in order to ensure consistency with the TSD's recommendation to test a minimum of three species representing three different phyla, the EPA has required *Selenastrum capricornutum* to be included in the screening for the most sensitive species.

Regarding the City of Nampa's statement that "reductions to permit levels for TP could cause impaired growth" of algae in a toxicity test, it should be noted that, in the WET test method for *Selenastrum capricornutum*, nutrients including phosphorus are added to the effluent sample, so that all test treatments and controls will contain at a minimum the concentration of nutrients in the stock culture medium (see EPA Method 1003.0 at section 14.10.1.2.7). This will ensure that a false positive for effluent toxicity will not occur due to nutrient limitation.

Comment #6 (Boise, Nampa)

The City of Boise and City of Nampa stated that all of the analytes listed in Appendix A can have a method detection limit (MDL) but the ten (10) analytes listed below cannot have a minimum level (ML) as defined in the NPDES permits due to the required EPA method (e.g., titration) or reporting format (e.g., 7 day average) of the parameter.

- Biochemical Oxygen Demand
- Soluble Biochemical Oxygen
- Total Suspended Solids
- Dissolved Oxygen
- Temperature (max 7 day avg)
- Oil and Grease (HEM)
- Salinity
- Settleable Solids
- Total Dissolved Solids
- Total Hardness

ML values for 10 pollutants listed above should be listed as MDL or sensitivity of the instrument/detector for the parameter (e.g.+/- 0.2 C for temperature).

Response #6

The draft permit includes a definition of the term "minimum level" that is consistent with the definition in the glossary of the *U.S. EPA NPDES Permit Writers' Manual* (EPA 2010). However, in 2014, the EPA promulgated a revised definition of the term "minimum level" in the sufficiently sensitive methods final rule (79 FR 49001). The revised definition reads:

> *The term "minimum level" refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels*

may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.

The EPA also explained in the sufficiently sensitive methods rule that the terms "quantitation limit," "reporting limit," and "level of quantitation" are synonymous with "minimum level" (79 FR 49001).

Since the revised definition allows for the minimum level to be obtained in several ways, including multiplying the MDL (as published in a method or determined by a lab) by a factor, then minimum levels can be determined for any analyte for which an MDL can be determined. Thus, minimum levels can, in fact, be determined for all of the analytes in Appendix A.

As explained in the response to comment #9, below, Appendix A specifies the required level of sensitivity for monitoring, which is independent and distinct from the statistics that are to be reported. The EPA has deleted the parenthetical "(max. 7-day avg.)" from the entry for temperature in Appendix A.

For dissolved oxygen and temperature, the EPA has edited appendix A to require a "calibrated accuracy," instead of a minimum level, consistent with the USGS *National Field Manual for the Collection of Water-Quality Data*, (USGS 2015). The *National Field Manual for the Collection of Water-Quality Data* states that thermistors should have a "calibrated accuracy within 0.1 °C to 0.2 °C" and amperometric and optical dissolved oxygen probes should have a "calibrated accuracy within ±0.1 mg/L DO" (USGS 2015). In the final permit, the EPA has specified that temperature measurements must have a calibrated accuracy within 0.2 °C and that dissolved oxygen probes must have a calibrated accuracy within 0.1 mg/L.

Comment #7 (Boise, Nampa)

The City of Boise and City of Nampa stated that the requirement to run a calibration point at the ML is consistent with the new and updated 600 series organic methods in the Proposed 2015 MUR to 40 CFR 136. However, these methods are not yet approved and it is extremely difficult finding a commercial laboratory capable of running the MUR method.

Response #7

As explained in the response to comment #6, above, under the revised definition of "minimum level" in the sufficiently sensitive methods final rule (79 FR 49001), which has been incorporated into the final permit, the ML need not be based on the lowest calibration standard. The final permit does not require running a calibration point at the ML.

Comment #8 (Boise, Nampa)

The minimum level requirements of "Attachment/Appendix A Minimum Levels" restrict the options of NPDES approved methods listed at 40 CFR Part 136: Table IB. The following methods could utilize calibration curves meeting the definition of a ML, however, the values listed are more appropriate for a MDL due to the low concentration specified. In addition, the ML requirement prevents the use of the most commonly used methods which are titrations or test kits that are analyzed on factory calibrated spectrophotometers.

- Chemical Oxygen Demand
- Total Alkalinity
- Chlorine, Total Residual

ML values in Table A for these parameters should be listed as MDLs.

Response #8

As explained in the response to comment #6, above, under the revised definition of "minimum level" in the sufficiently sensitive methods final rule (79 FR 49001), which has been incorporated into the final permit, the ML need not be based on a calibration curve.

The EPA believes the minimum levels specified in Appendix A for chemical oxygen demand, total alkalinity, and total residual chlorine, are achievable. See also the response to Comment #30.

Comment #9 (Boise, Nampa)

The City of Boise and City of Nampa stated that the minimum level requirement for a statistical average is inappropriate for "Temperature (max 7 day avg)" in the "Attachment/Appendix A: Minimum Levels." ML and MDL are related to instrument sensitivity for T (+/- 0.2 C) and is not applicable or appropriate for a 7 day average temperature. ML needs to be removed from Appendix A for maximum 7 day average temperature.

Response #9

The EPA agrees that the parenthetical "(max. 7-day avg.)" should be deleted from the listing for temperature in Appendix A. Appendix A specifies the required level of sensitivity for monitoring, which is independent and distinct from the statistics that are to be reported. The statistics that are to be reported for temperature are specified elsewhere in the permit. As explained in the response to comment #6, above, in the final permit, the EPA has specified that temperature measurements must have a calibrated accuracy within 0.2 °C.

Comment #10 (Boise, Nampa)

The City of Boise and City of Nampa stated that the minimum levels in Appendix A to the draft permits need to be adjusted, for several reasons.

EPA's proposed draft Methods Update Rule (MUR)[4] seeks to increase the MLs (and MDLs) for many of the parameters listed in Appendix A to reflect "real world" water quality and analytical conditions (e.g. matrices ranging from clean receiving waters to "dirty" receiving water) instead of ultra clean and unrealistic matrices (e.g. MLs for a pollutant in distilled water) used for development of the MLs contained in the draft permits.

The minimum level requirements of "Attachment/Appendix A Minimum levels" appear to be based on published MDLs in EPA methods. The ML values are determined by multiplying the published MDL by 3.18. These EPA methods used MDL calculation methodology are inconsistent with the "2015 Proposed Methods Update Rule (MUR)" (80 FR 8956).

[4] EPA Methods Update Rule-2015, webpage includes February 9, 2015 Federal Register Notice, Fact Sheet, and background materials; http://www2.epa.gov/cwa-methods/methods-update-rule-2015

The published MDLs for EPA methods need to be revised using EPA methods to be compliant with the draft MUR. Compliance with the new methods in MUR will increase MDLs for many methods. Since the basis for the values assigned in "Attachment/Appendix A Minimum Levels" are not consistent with 2015 MUR requirements, they create a significant liability for permittees and are inappropriate for use in NPDES permits.

The Proposed 2015 MUR also proposes significant changes in the organic EPA 600 series methods which require matrix specific MDLs. Commercial labs will need to determine MDLs in various wastewater matrices, which will increase MDLs and MLs.

If the GC/MS EPA methods 624 and EPA 625 for purgeables and base neutrals and acids, respectively, were used for the organics listed in Appendix A, confirmation of the analytes is not needed, however the ML values would need to be increased for this method to be available for a permittee to use.

The proposed new or updated organic EPA 600 series methods contained in the draft 2015 MUR allow blank subtraction in samples, which will have an impact on the ML and should be reflected in Appendix A.

Many of the issues in the Proposed 2015 MUR to 40 CFR 136 have been addressed by the National Environmental Laboratory Accreditation Conference (NELAC) Institute and directly impact organic methods, which are proposed to increase and should be the ML requirement contained in NPDES permits.

The MLs listed in the Proposed 2015 MUR to 40 CFR 136 for EPA methods 624 & 625 are 2-15 times higher than the levels listed in Appendix A.

Response #10

The MLs in the draft permits were not calculated by multiplying published MDLs by 3.18. Rather they were based on MLs required by the Washington State Department of Ecology in its NPDES permits, which were in turn based on a survey of laboratories conducted in 2008. Thus, the EPA believes that the MLs proposed in Appendix A are achievable. If the permittees cannot achieve the MLs in the final permit, the permittee may request different MLs.

However, for many pollutants, the MLs proposed in EPA Methods 608.3, 624.1 and 625.1 in the draft MUR are lower than the most-stringent water quality criterion in effect in Idaho, or the EPA-recommended Clean Water Act Section 304(a) water quality criteria. For other pollutants, the State of Idaho has not established a water quality criterion for the pollutant and the EPA has not established a 304(a) criterion. Methods with an ML at or below the applicable water quality criterion are considered “sufficiently sensitive” (79 FR 49013).

The EPA has therefore revised the MLs in Appendix A to the permits to be equal to the MLs published in the draft MUR, for the pollutants listed in Table 1, below. If the ML proposed in the draft permit was higher than that published in the draft MUR, but less than the most stringent Idaho water quality criterion, then the ML proposed in the draft permit was retained.

Table 1: Pollutants for which the Methods Update Rule (MUR) Minimum Level (ML) is less than Applicable Water Quality Criteria							
Pollutant	**CAS #**	**Draft Permits ML (µg/L)**	**Draft MUR ML (µg/L)**	**Most Stringent ID WQC (µg/L)**	**Most Stringent CWA WQC (µg/L)**	**Most Stringent WQC (µg/L)**	**Ratio of WQC to draft MUR ML**
1,1,1-Trichloroethane	71-55-6	2	11.4	11000	—	11000	**965**
1,1-Dichloroethane	75-34-3	2	0.047	—	—	N/A	**N/A**
1,2-Trans-Dichloroethylene (Ethylene dichloride)	156-60-5	2	4.8	120	—	120	**25.0**
2,4-Dichlorophenol	120-83-2	1	8.1	9.6	93	9.6	**1.19**
2,4-Dimethylphenol	105-67-9	1	8.1	110	—	110	**13.6**
2,6-dinitrotoluene	606-20-2	0.4	5.7	—	—	N/A	**N/A**
2-Chloronaphthalene	91-58-7	0.6	5.7	330	—	330	**57.9**
2-Chlorophenol	95-57-8	2	9.9	30	—	30	**3.03**
2-Nitrophenol	88-75-5	1	10.8	—	—	N/A	**N/A**
4-Bromophenyl phenyl ether	101-55-3	0.4	5.7	—	—	N/A	**N/A**
4-Chlorophenyl phenyl ether	7005-72-3	0.5	12.6	—	—	N/A	**N/A**
4-nitrophenol	100-02-7	1	7.2	—	—	N/A	**N/A**
Acenaphthene	83-32-9	0.4	5.7	26	—	26	**4.56**
Acenaphthylene	208-96-8	0.6	10.5	—	—	N/A	**N/A**
alpha-Endosulfan (Endosulfan I)	959-98-8	0.05	0.033	0.056	0.93	0.056	**1.70**
Anthracene	120-12-7	0.6	5.7	110	9600	110	**19.3**
Benzo(ghi)Perylene	191-24-2	1	12.3	—	—	N/A	**N/A**
beta-Endosulfan (Endosulfan II)	33213-65-9	0.05	0.024	0.056	0.93	0.056	**2.33**
Bis(2-chloroethoxy)methane	111-91-1	21.2	15.9	—	—	N/A	**N/A**
Chlorobenzene	108-90-7	2	18	89	680	89	**4.94**
Chloroform	67-66-3	2	4.8	61	5.7	5.7	**1.19**
Diethyl phthalate	84-66-2	7.6	5.7	200	23000	200	**35.1**
Dimethyl phthalate	131-11-3	6.4	4.8	600	313000	600	**125**
Di-n-butyl phthalate	84-74-2	1	7.5	8.2	2700	8.2	**1.09**
Di-n-octyl phthalate	117-84-0	0.6	7.5	—	—	N/A	**N/A**
Endosulfan sulfate	1031-07-8	0.05	0.021	9.9	0.93	0.93	**44.3**
Endrin aldehyde	7421-93-4	0.05	0.033	0.38	0.76	0.38	**11.5**
Ethylbenzene	100-41-4	2	21.6	32	3100	32	**1.48**
Fluorene	86-73-7	0.6	5.7	21	1300	21	**3.68**
Isophorone	78-59-1	1	6.6	330	8.4	8.4	**1.27**
Methyl bromide (Bromomethane)	74-83-9	10	8.4	130	48	48	**5.71**
Naphthalene	91-20-3	0.6	4.8	—	—	N/A	**N/A**
Nitrobenzene	98-95-3	1	5.7	12	17	12	**2.11**
Parachlorometa cresol (4-chloro-3-methylphenol)	59-50-7	2	9	350	—	350	**38.9**
Phenanthrene	85-01-8	0.6	16.2	—	—	N/A	**N/A**
Phenol	108-95-2	4	4.5	3800	21000	3800	**844**
Pyrene	129-00-0	0.6	5.7	8.1	960	8.1	**1.42**
Toluene	108-88-3	2	18	47	6800	47	**2.61**

Comment #11 (Boise and Nampa)

Mercury is a bioaccumulative pollutant that is a global pollutant[5] and impacts many waters of the United States, including Idaho, the Boise River and Brownlee Reservoir[6]. Idaho fish consumption advisories[7] for mercury have been issued for the Boise River (catfish at Parma, Idaho), Brownlee Reservoir (Carp, Catfish, Crappie, and Perch), and statewide (large and smallmouth bass), making mercury an important permitting issue for all point sources discharging mercury to the Boise River.

Municipal wastewater treatment facilities are generally a minor source of mercury, however they do have a role to play in the control of mercury and the protection of human health[8,9]. The proposed Mercury Minimization Plan and Watershed based Fish Tissue testing requirements proposed in the draft permits appear to be appropriate and are actions municipalities already are or are willing to implement to protect human health and the environment.

Response #11

Thank you for your comment.

Comment #12 (Boise and Nampa)

Boise and Nampa stated that the aquatic life criterion is satisfied and provides no basis for reasonable potential, mercury numeric limits, or monitoring requirements.

The Nampa Fact Sheet and draft permit evaluates and proposes the need for mercury limitations and monitoring requirements using two Idaho water quality standards for mercury, the 12 ng/l aquatic organism criterion[10] and the 0.3 mg/kg methylmercury fish tissue based human health criterion[11] approved by EPA in 2008.

The 12 ng/l aquatic life mercury criterion was incorrectly applied to determine the reasonable potential to exceed, numeric mercury limits, and monitoring requirements.

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[5] United Nations Environment Programme Global Mercury Assessment 2013, available at: http://www.unep.org/PDF/PressReleases/GlobalMercuryAssessment2013.pdf

[6] Idaho Fish Consumption Advisory Program, Boise River listing for Catfish (no more the 3-11 meals per month depending on age and pregnancy, statewide large and small mouth bass advisory of no more than 2-8 meals per month with no other fish consumption; http://healthandwelfare.idaho.gov/Health/EnvironmentalHealth/FishAdvisories/tabid/180/Default.aspx

[7] Idaho Fish Consumption Advisories, Idaho Fish Consumption Advisory Program, http://healthandwelfare.idaho.gov/Health/Environmenta!Health/FishAdvisories/tabid/180/default.aspx

[8] Mercury Pollutant Minimization Program Guidance, USEPA Region 5, November 2004.

[9] USEPA, 2010, Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion, 221 p, http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1007BKQ.TXT

[10] IDAPA 58.01.02- Water Quality Standards and Wastewater Treatment Requirements, 2004; Section 58.01.02.210.01.a.8, Mercury aquatic life criterion, CCC, B2, footnote g "g. If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area."

[11] Idaho's Water Quality Standards, lDAPA 58.01.02, IAC 2011, http://adminrules.idaho.gov/rules/current/58/0102.pdf

The Nampa mercury limitations are based on the 12 ng/I aquatic life criterion. If the 12 ng/I criterion is exceeded in the receiving stream more than once every three years, the criterion requires fish tissue testing of the edible portion of consumed species to determine whether the concentration exceeds the 1.0 mg/kg FDA action level. If the 1 mg/kg action level is exceeded, actions to control mercury discharges and notify the public are required.[12]

The reasonable potential analysis appears to use only the water column concentration portion of the 12 ng/I criterion without evaluating the edible fish tissue portion of the criterion using local fish tissue data to determine compliance or non-compliance with the standard, if there is reasonable potential to exceed the state water quality standard, in the determination of numeric limit or other controls, and in determination of associated monitoring requirements.

Historical and recent fish tissue data have been collected and reported by USGS, the Idaho Fish Consumption Advisory Program[13], and the City of Boise Methylmercury Fish Tissue Sampling Program for the Lower Boise River, Snake River and Brownlee Reservoir. The data show fish tissue mercury values range from 0.06 to 0.33 mg/kg methylmercury for samples collected in the Boise and Snake Rivers and Brownlee Reservoir[14]. These levels are well below the 1.0 mg/kg FDA action level and demonstrate compliance with the aquatic life mercury criterion.

Analysis of the applicable 2004 mercury aquatic life criterion continuous concentration of 12 ng/I and footnote g, when correctly evaluated, shows that the 12 ng/I criterion is satisfied at all locations within the Lower Boise Watershed, the Snake River below the confluence with the Boise, and Brownlee Reservoir. No reasonable potential exists to exceed the mercury aquatic life water quality criterion, therefore, no numeric limitations, additional actions or public notification are necessary to satisfy the mercury aquatic life criterion.

The basis and development of numeric mercury limitations contained in Nampa draft permit is incorrect and there is no basis provided for numeric limitations, additional actions or additional monitoring. The Fact Sheet needs to be corrected to reflect that the applicable aquatic life criterion for mercury is satisfied.

Response #12

The commenters are correct that the EPA applied both the aquatic life chronic criterion or criterion continuous concentration (CCC) of 12 ng/L (0.012 µg/L) and the 0.3 mg/kg human health criterion for methylmercury in fish tissue. This is because both of these criteria are in effect for Clean Water Act purposes in Idaho.

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[12] 1DAPA 58.01.02-Water Quality Standards and Wastewater Treatment Requirements, 2004; Section 58.01.02.210.01.a.8, Mercury aquatic life criterion, CCC, 82, footnote g "g. If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area."

[13] Idaho Fish Consumption Advisories, Idaho Fish Consumption Advisory Program, http://healthandwelfare.idaho.gov/Health/EnvironmentalHealth/FishAdvisories/tabid/180/default.aspx

[14] 2013 Boise River Watershed Based Methylmercury Fish Tissue Sampling Report, Boise City Public Works, 22p. and 2014 Boise River Watershed Based Methylmercury Fish Tissue Sampling Report, Boise City Public Works, 11p.

On December 12, 2008, the EPA disapproved the State of Idaho's removal of its aquatic life water quality criteria for mercury in the water column[15]. The aquatic life water column criteria for total recoverable mercury that the EPA approved in 1997 remain in effect for Clean Water Act purposes (40 CFR 131.21). These criteria are an acute criterion or criterion maximum concentration (CMC) of 2.1 µg/L and a chronic criterion or criterion continuous concentration (CCC) of 0.012 µg/L (12 ng/L). Because these criteria remain in effect for Clean Water Act purposes, the EPA must implement these criteria in NPDES permits (40 CFR 131.21(d)). The numeric effluent limits for mercury in the draft permits for Nampa are based on these criteria.

The commenters point out that, in a footnote to the table of water quality criteria, the Idaho Water Quality Standards had stated the following:

> *If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area.*

This now-repealed provision of the Idaho WQS concerns sampling for fish tissue to be performed in response to exceedances of the water column mercury CCC, and could result in revisions to the water column mercury criteria. It does not modify the numeric criteria (i.e., the CMC of 2.1 µg/L and CCC of 12 ng/L), which were used as the basis for numeric effluent limits for mercury in the Nampa permit.

The commenters assert that the fact that fish tissue concentrations are below the Food and Drug Administration (FDA) action level of 1.0 mg/kg in the receiving waters demonstrates compliance with the 12 ng/L numeric aquatic life CCC. The commenters then conclude, based on fish tissue concentrations below the FDA action level, that there is no reasonable potential to exceed the 12 ng/L CCC. The EPA disagrees with these assertions for the following reasons.

First, the fact that fish tissue concentrations of methylmercury have not exceeded the FDA action level of 1.0 mg/kg does not necessarily mean that the 12 ng/L CCC, with its associated averaging period and allowable excursion frequency, is attained. The 12 ng/L CCC was based on achieving the 1.0 mg/kg FDA action level, using a bioconcentration factor of 81,700 (EPA 1985). However, bioaccumulation of mercury is highly variable and is influenced by a number of factors, including the age or size of the organism; food web structure; water quality parameters such as pH, DOC, sulfate, alkalinity, and dissolved oxygen; mercury loadings history; proximity to wetlands; watershed land use characteristics; and waterbody productivity, morphology, and hydrology (EPA 2010). Furthermore, bioaccumulation of mercury in fish occurs gradually over the lifetime of the fish, whereas the 12 ng/L CCC has an averaging period of only 4 days, with an excursion frequency of once every three years (EPA 1985). Infrequent, short-term excursions above the 12 ng/L CCC would have a small effect on concentrations of methylmercury in fish tissue, as long as the average concentration of mercury was low. However, such

[15] http://www.deq.idaho.gov/media/451688-epa_letter_mercury_criterion_disapproval.pdf

excursions would nonetheless violate the 12 ng/L CCC (unless they occurred less frequently than once every three years).

Second, even if an exceedance of the 12 ng/L CCC has not occurred in the receiving waters, this would not necessarily mean that a particular discharge would not need to have effluent limits based on the 12 ng/L CCC. Limits must be established not only if a discharge *causes* excursions above water quality standards, but also if a discharge has the *reasonable potential to cause or contribute* to excursions above water quality standards (40 CFR 122.44(d)(1)(i, iii)). In determining whether the subject discharges had the reasonable potential to cause or contribute to excursions above the 12 ng/L CCC, the EPA used the procedures in Section 3.3 of the TSD. Consistent with 40 CFR 122.44(d)(1)(ii), these procedures account for existing controls on point and nonpoint sources of pollution and the variability of the pollutant in the effluent. In this case, since a mixing zone was authorized by the State of Idaho for mercury, the EPA also considered the dilution of the effluent in the receiving water.

Using these procedures, the EPA determined that the discharges from the City of Nampa wastewater treatment plant has the reasonable potential cause or contribute to excursions above the 12 ng/L mercury CCC. Therefore, the EPA must establish effluent limits that are derived from and ensure compliance with the 12 ng/L mercury CCC (40 CFR 122.44(d)(1)(vii)(A)).

Comment #13 (Boise and Nampa)

The Idaho Methylmercury Human Health water quality criterion for fish tissue (0.3 mg/kg) is 3.3 times more stringent than the aquatic life 12 ng/I criterion when correctly evaluated[16]. The Human Health criterion therefore is more stringent and the appropriate criterion for evaluation of reasonable potential, limits or other actions, and monitoring requirements. Idaho and EPA have developed guidance for implementation of the human health criterion. The Fact Sheet needs to use the Human Health mercury criterion for the evaluation of reasonable potential, associated controls, and monitoring requirements for mercury.

The Idaho Mercury Human Health criterion was adopted with implementation guidance[17] that addresses how it would be applied to municipal wastewater treatment facilities, including additional actions and recommended monitoring frequencies based on the level of fish tissue mercury within the watershed. EPA[18] developed methylmercury human health implementation guidance that is essentially identical to the Idaho guidance.

The Fact Sheet needs to be significantly modified and use the lower and appropriate 0.3 mg/kg EPA approved Idaho Methylmercury Human Health criterion and associated Idaho Methylmercury Criteria

[16] IDAPA 58.01.02 -Water Quality Standards and Wastewater Treatment Requirements, 2004; Section 58.01.02.210.01.a.8, Mercury aquatic life criterion, CCC, B2, footnote g "g. If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area."

[17] Implementation Guidance for the Idaho Mercury Water Quality Criteria, April 2005, IDEQ, 212 pages, https://www.deq.idaho.gov/media/639808-idaho_mercury_wq_guidance.pdf

[18] Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion, EPA 2010, 221 p, http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1007BKQ.TXT

Implementation Guidance[19] for the evaluation of the reasonable potential to exceed standards, the appropriate limitations or controls, and the associated monitoring requirements.

Using the Idaho Methylmercury criterion, Idaho and EPA Methylmercury Implementation Guidance, effluent data, and recent fish tissue data (2000-present) from all sources, reasonable potential does appear to be triggered (e.g. quantifiable mercury in the effluent and >24 mg/kg fish tissue below facilities), additional actions do appear to be required (e.g. Mercury Minimization Plans), and watershed based fish tissue and effluent monitoring does appear to be justified.

The Fact Sheet for the draft Nampa NPDES permit needs to be corrected to provide the basis for additional mercury controls and monitoring limits.

Response #13

The commenters' statement that the Idaho methylmercury human health water quality criterion for fish tissue (0.3 mg/kg) is 3.3 times more stringent than the aquatic life 12 ng/I CCC appears to be based on the fact that the 12 ng/L CCC was based on the FDA action level of 1.0 mg/kg, which is 3.3 times the human health criterion. However, since the 12 ng/L CCC is a water column criterion as opposed to a fish tissue criterion, this statement would be true in terms of water column concentrations of mercury only if the bioaccumulation factor was equal to the bioconcentration factor of 81,700 that was used to develop the 12 ng/L aquatic life criterion from the 1.0 mg/kg FDA action level. Bioaccumulation of mercury is highly variable and is influenced by a number of factors, including the age or size of the organism; food web structure; water quality parameters such as pH, DOC, sulfate, alkalinity, and dissolved oxygen; mercury loadings history; proximity to wetlands; watershed land use characteristics; and waterbody productivity, morphology, and hydrology (EPA 2010). Furthermore, bioaccumulation of mercury in fish occurs gradually over the lifetime of the fish, whereas the 12 ng/L CCC has an averaging period of only 4 days (EPA 1985), with an allowed excursion frequency of once every three years. Infrequent, short-term excursions above the 12 ng/L CCC would have a small effect on concentrations of methylmercury in fish tissue, as long as the average concentration of mercury was low. However, such excursions would nonetheless violate the 12 ng/L CCC (unless they occurred less frequently than once every three years).

As discussed in the fact sheet, the EPA has, in fact, implemented the Idaho methylmercury human health criterion in the subject permit in a manner consistent with the IDEQ and EPA guidance referenced by the commenters. See the fact sheet at Pages 23-24.

As explained in the response to comment #12, the EPA must also establish water quality-based effluent limits for mercury if the discharges have the reasonable potential to cause or contribute to excursions above the 12 ng/L CCC, which is the case for Nampa.

Comment #14 (IRU)

National Pollution Discharge Elimination System permits are issued for a period of five years for many good reasons, first and foremost being the opportunity provided every five years to improve permit conditions to better protect the rivers of the United States. In the sixteen years since the City of Meridian Wastewater Treatment plant was last permitted, significant events have occurred that, if they

[19] Implementation Guidance for the Idaho Mercury Water Quality Criteria, April 2005, IDEQ, 212 pages, https://www.deq.idaho.gov/media/639808-idaho_mercury_wq_guidance.pdf

had been considered every five years as required, would have decreased pollution of Indian Creek and the Boise River starting in 2004. These events include the approval of Total Maximum Daily Loads for Indian Creek, the Boise and the Snake rivers, the collection of relevant water quality data by US Geological Survey and others, many EPA-approved reports on the status of Idaho's water quality, and advancements in wastewater treatment technology. During those eleven years, unlimited amounts of phosphorus and other pollutants have been allowed to be discharged to Indian Creek contributing to the impairment of Indian Creek and the Boise and Snake rivers.

Idaho Rivers United does not support administrative extensions of NPDES permits and asks EPA to ensure the timely renewal of this permit five years from issuance.

Response #14

Although the commenter referenced the permit for the City of Meridian in this comment, the EPA assumes that the commenter intended to reference the permit for City of The City of Nampa, since this comment appeared in a letter providing other comments on the draft permit for the City of Nampa.

EPA has issued the permit as expeditiously as possible. Administrative extension of this permit was provided in accordance with federal regulations (40 CFR 122.6).

Comment #15 (IRU)

Idaho Rivers United supports the permit's year round limits on discharge of Total Phosphorus to Indian Creek.

As was made clear in the Fact Sheet, nuisance levels of periphyton can occur in the Boise River during what EPA previously called the non-growing season (October – April) and Total Phosphorus in the Boise River continuously exceeds the 70 µg/L load allocation in the Snake River Hells Canyon TMDL. The Nampa WWTP releases phosphorus-laden effluent continuously, pollution that has had significant negative impacts on the health of Indian Creek, and the Boise and Snake rivers for decades, and these limits are long-overdue.

Response #15

Thank you for your comment.

Comment #16 (ICL)

We do not support a 9 year 11 month compliance schedule for cyanide since attaining the cyanide limits is likely a matter of limiting inflow rather than installing treatment equipment.

The EPA has determined that this WWTP has the reasonable potential to violate water quality limits for cyanide. As such, EPA must issue effluent limits for cyanide to the Nampa WWTP in this permit. However, the EPA has not included interim cyanide limits. This oversight needs to be rectified and interim limits need to be established.

Response #16

Neither the draft permit nor the final permit include a compliance schedule for the new water quality-based effluent limits for weak acid dissociable cyanide. As such, no interim limits have been established for cyanide. The permit contains only final, water quality-based effluent limits for cyanide, which become effective immediately upon the effective date of the final permit.

Comment #17 (ICL)

Although the DEQ provided (and EPA approved) that Nampa could increase its WLA for TSS by allocating to Nampa some of the TSS that had been reserved for growth in the prior Lower Boise Sediment TMDL, it is not appropriate for the EPA to incorporate this change into the City of Nampa's TSS effluent limit. In this instance, because the receiving water, Indian Creek, continues to violate water quality standards for sedimentation and siltation, this increase in allowable TSS discharges represents backsliding, irrespective of the changed conditions at the WWTP. Increasing the TSS effluent limit will cause and/or contribute to a violation of water quality standards.

Response #17

The TSS effluent limits in the permit are consistent with the City's wasteload allocations in the *Lower Boise River TMDL* (IDEQ 1999) and in the *Lower Boise River TMDL 2015 Sediment and Bacteria Addendum* (IDEQ 2015). The 2015 Sediment and Bacteria Addendum addressed the impairment for sedimentation and siltation in Indian Creek and has been approved by the EPA. Therefore the effluent limits for TSS are as stringent as necessary to protect water quality in both Indian Creek and the Boise River, are consistent with applicable waste load allocations in an approved TMDL, and do not constitute permit backsliding. *See* CWA section 303(d)(4).

Comment #18 (Nampa)

In Part I.B, Table 1, footnote #7, the proposed permit requires that temperature data be gathered via thermistors, which the City does not currently own. The software for the device must then be used to generate (export) a spreadsheet or text file, to be submitted monthly to the EPA as an electronic attachment to the City's DMRs. Since the City does not possess the technology, the City requests that DEQ provide a one-year compliance schedule for this requirement that will allow the City time to procure necessary equipment.

Response #18

The EPA agrees that it is reasonable to allow one year to begin continuous temperature monitoring of the effluent and receiving water. The final permit requires an effluent temperature sample frequency of five times per week and a receiving water temperature sample frequency of once per week, for the first year. For the effluent, this monitoring frequency is the same as the monitoring frequency for pH, which is also measured with a grab sample. For the receiving water, this monitoring frequency is the same as the monitoring frequency for turbidity, which is also measured with a grab sample. The permit also requires that grab samples for temperature be taken from 4 – 6 PM and that receiving water temperature samples be taken within 1 hour of an effluent sample.

Beginning one year after the effective date of the final permit, the final permit requires continuous monitoring of the effluent and receiving water temperature, as proposed in the draft permit.

Comment #19 (Nampa)

In Part I.B.3.b of the draft permit, the surface water monitoring requirements detail that the permittee must record a visual observation of the receiving water in the vicinity of where the effluent meets the surface water. This requirement does not specify any scientific data gathering other than viewer observation. The City requests adding more objective criteria to this section to provide more defensible description of surface water characteristics or removing this requirement. The following language is suggested as an addition to this section:

The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA or IDEQ upon request. The log should note, as a binary, yes/no response, whether there is presence of floating, suspended or submerged matter and include a picture taken at the time of observation.

Response #19

The EPA agrees with the language suggested by the commenter and has edited the final permit accordingly. In the final permit, the EPA has replaced the word "should" with "must" and the word "picture" with "photograph" in the last sentence of the permittee's suggested language.

Comment #20 (Nampa)

In Table 3 of the draft permit, the City does not agree with the Category 5 listing of Indian Creek for temperature and the resulting NPDES permit limits. As described in the Petition for Administrative Review regarding the 2012 lntegrated Report filed by the City before the Idaho Board of Environmental Quality on March 4, 2014, "The department's (DEQ's) final 2012 Integrated Report made a substantial and significant change from the draft Report because the relevant sections of Indian Creek are now added for temperature on the §303(d) list." The City believes that there is insufficient reliable scientific data to support this impairment finding and that the technical basis for this listing warrants further evaluation and modeling.

Response #20

The State of Idaho's decision to list Indian Creek as impaired due to temperature in its 2012 Integrated Report is beyond the scope of the proposed permitting action. The basis for the temperature limits in the draft permit is explained in Appendix G to the Fact Sheet and is independent from the State of Idaho's Category 5 temperature listing for Indian Creek.

Comment #21 (Nampa)

The proposed permit requires complete collection of one-year of continuous temperature monitoring data prior to the removal of a trickling filter. The City has already commenced with the Phase I Upgrades to comply with the proposed interim total phosphorus limit. The initial step of this project was the removal of a trickling filter. Therefore, the City cannot collect the required data and requests that this provision be removed.

Response #21

The EPA believes the City is referring to Part I.C.3.d.i of the draft permit, which reads, "Within fifteen (15) months of the EDP, complete collection of at least one year of continuous temperature monitoring data and submit an evaluation of current monthly temperature variations to DEQ and EPA." It is not stated in the draft or final permits that these data must be collected prior to the removal of a trickling filter.

This requirement was included in the draft permit because it was a requirement in the State of Idaho's draft Clean Water Act Section 401 certification of the permit. The final permit includes similar conditions that are included in the State of Idaho's final Clean Water Act Section 401 certification.

Comment #22 (Nampa)

In Part I.D.7.d of the draft permit, the City recommends the following language change: "If implementation of the initial investigation workplan clearly identifies the source of toxicity to the satisfaction of EPA (e.g., a temporary plant upset), ~~and~~ **OR** none of the six accelerated chronic toxicity tests required under Part 1.D.7.b are above the applicable average monthly limit in Part I.B of this permit, the permittee may return to the regular chronic toxicity testing cycle specified in Part l.C.2.a." This change will both protect water quality and not overly burden the City should it be able to ascertain the source of the toxicity or verify through additional testing that the effluent is not toxic.

Response #22

The issue raised by this comment is whether it is necessary to complete a toxicity reduction evaluation (TRE) if an exceedance of a WET trigger occurs during routine testing but not during subsequent accelerated testing.

According to the *EPA Regions 8, 9 and 10 Toxicity Training Tool* (Denton et al. 2007), accelerated testing and a TRE/TIE should occur stepwise (Page 88). That is to say, the TRE work plan should be initiated in response to an exceedance of a WET trigger during accelerated testing, instead of being undertaken concurrently with the accelerated testing.

The EPA has edited the WET testing language in the final permit to follow this stepwise approach. The EPA believes this achieves the intent of the language change proposed by the commenter.

The *EPA Regions 8, 9 and 10 Toxicity Training Tool* also states that, "EPA Regions 9 and 10 recommend that an initial TRE/TIE Work Plan be developed by the permittee within 60-90 days of the effective date of the permit." The EPA has edited part I.D.5 of the permit to allow 90 days to complete the initial investigation TRE workplan.

Comment #23 (Nampa)

Regarding Part II.A.8.e.iv on Page 28 of the draft permit, The GC/MS Analysis has never been performed by the City. The City understands the procedure detailed in the draft permit for the GC/MS Analysis, however it is unclear what has to be done following completion of the analysis. The City requests that DEQ clarify the steps taken after collection has been performed.

Response #23

The final permit has been edited to state that the City must report the results of the GC/MS analysis in the annual pretreatment report.

Comment #24 (Nampa)

The City is requesting clarification as to the intent of including reporting requirements for biosolids in the pretreatment section of the NPDES permit. This information has historically been included as a stand-alone section under the NPDES permit.

Response #24

As stated in the fact sheet at Page 22, EPA Region 10 separates wastewater and sludge permitting. Thus there is no stand-alone section for biosolids in the permit. However, among the objectives of the national pretreatment program are "to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal

sludge" and "to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges" (40 CFR 403.2). Section 4.3 of the EPA's *Local Limits Development Guidance* (EPA 2004) recommends sampling of POTW sludge as part of the development of local limits and on an ongoing basis. Thus, it is appropriate to include sludge sampling requirements in the pretreatment section of the permit.

Comment #25 (Nampa)

The City would like to clarify the following requirement for routine sampling in Part III.A of the permit: "In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample."

It is our understanding that this sampling is needed under extreme conditions, such as an upset condition. Under such a condition, our primary goal is returning the plan to normal operating conditions as quickly as possible. In light of this priority, please clarify the frequency the City is supposed to collect additional samples.

Response #25

The intent of the second and third paragraph of Part III.A of the permit is to ensure representative sampling, consistent with the first paragraph of Part III.A and with 40 CFR 122.41(j). It is not possible to specify the appropriate frequency for the additional sampling required in the second and third paragraph of Part III.A, because the appropriate frequency will depend on the severity and duration of the event compelling the additional sampling.

Comment #26 (Nampa)

The City requests that EPA amend Part IV.F.1 of the permit to define "bypass" as presented in this section. The City strives to operate the Nampa WWTP as efficiently as possible while protecting water quality. To this end, the City optimizes the unit processes online based on influent loadings, current process operations, and effluent requirements. Therefore, the following modifications to this section are suggested:

> *1. Bypass not exceeding limitations. The permittee may allow any bypass of an entire unit process to occur that does not cause effluent limitations to be exceeded. Unit processes may be bypassed for essential maintenance or to optimize the operations of the facility provided that effluent limitations are not exceeded but ~~only if it also is for essential maintenance to assure efficient operation.~~ These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.*

Response #26

Part IV.F of the permit implements 40 CFR 122.41(m). The first paragraph of 40 CFR 122.41 reads, in relevant part:

> *The following conditions apply to all NPDES permits. … All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference.*

Thus, the EPA cannot edit the language of Part IV.F of the permit as requested by the commenter.

The permit does, in fact, include a definition of the term "bypass," in Part VI. The definition of "bypass" in the permit is identical to the definition in 40 CFR 122.41(m) and reads "'Bypass' means the intentional diversion of waste streams from any portion of a treatment facility."

Seasonal effluent limitations which allow the facility to shut down a specific pollution control process during certain periods of the year are not considered to be a bypass. Any variation in effluent limits accounted for and recognized in the permit which allows a facility to dispense with some unit processes under certain conditions is not considered bypassing (49 FR 38037).

Comment #27 (IRU)

When do the interim limits take effect? Why did EPA select 6.4 mg/L for the first 5 years and 500 µg/L for the second five years (May 1 – Sept 30)? Why did EPA establish an interim limit of 1,500 µg/L for Oct. 1 – April 30? Why aren't they seasonal like the final limits? Why are the final limits pounds per day and the interim limits mg/L or µg/L? Why are the limits for the first 5 years in mg/L and for the 2nd 5 years in µg/L?

Response #27

Interim limits for total phosphorus (TP) and mercury take effect immediately upon the effective date of the final permit unless otherwise stated in the permit.

The EPA did not "select" the interim limits, rather, they were specified by the State of Idaho in its draft Clean Water Act Section 401 certification of the permit. The interim May – September TP limits are lowered to 500 µg/L (0.5 mg/L) and an additional interim limit of 1,500 µg/L (1.5 mg/L) from October – April is established after five years because, by that time, as shown in Table 3 of the draft permit, the Phase I facility upgrades will have been completed, thus allowing the City to achieve lower effluent concentrations of phosphorus.

Regarding the commenter's question about the units for the interim TP concentration limits, the EPA agrees that it would be preferable for all of the interim TP concentration limits to be expressed using the same units. The EPA has expressed all of the interim TP concentration limits in units of mg/L.

The final water quality-based effluent limits for TP are expressed in terms of mass (lb/day) because they are based on the mass WLAs in the *Lower Boise River TMDL: 2015 Total Phosphorus Addendum* (IDEQ 2015). The interim limits are specified in the State of Idaho's Clean Water Act Section 401 certification. The State of Idaho is not required to establish interim limits expressed in terms of mass simply because the final effluent limits are expressed in terms of mass. However, federal regulations state that, in general, effluent limits shall be expressed in terms of mass, although pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations (40 CFR 122.45(f)). Therefore, in the final permit, the EPA has established interim TP and mercury effluent limits in terms of mass, in addition to the concentration limits that were proposed in the draft permit. The interim mass limits are calculated from the interim concentration limits based on the design flow of the POTW (18 mgd), consistent with 40 CFR 122.45(b).

Because the interim limits for TP are, in fact, seasonal (similar to the final effluent limits), the EPA assumes that the commenter's question of why the interim limits are not seasonal is in reference to the interim effluent limits for mercury. The interim limits are specified in the State of Idaho's Clean Water

Act Section 401 certification. The State of Idaho is not required to establish seasonal interim limits simply because the final effluent limits are seasonal.

Comment #28 (IRU)

EPA should not permit Nampa to increase their current discharge. According to the 2015 Total Phosphorus TMDL Addendum, the Nampa WWTP discharge of Total Phosphorus is 4.97 mg/L. The proposed interim limit is 6.4 mg/L. EPA needs to set the interim limit for the first 5 years to no greater than 4.97 mg/L.

Response #28

The commenter appears to be referring to Table 15 of the Lower Boise River TMDL: 2015 Total Phosphorus Addendum. This table lists the City of Nampa's mean TP concentration as 4.97 mg/L. Footnote b to this table specifies that this is the TP concentration that was measured between May 1, 2012 and September 30, 2012.

At other times, the City's TP concentration has been considerably higher. The effluent concentration of TP was greater than 6.4 mg/L about 3% of the time during 2010 and 2011. Furthermore, the City of Nampa currently does not have any treatment in place specifically for phosphorus. Because 6.4 mg/L is within the range of TP discharges measured by the City, the EPA believes an annual average of 6.4 mg/L is a reasonable interim limit for TP, until planned treatment enhancements can be completed.

Comment #29 (IRU)

EPA should require twice-per-year effluent monitoring for chlorpyrifos to determine if this pesticide of concern is entering Indian Creek through the WWTP.

Response #29

The EPA does not agree that effluent monitoring for chlorpyrifos is necessary. The State of Idaho has not adopted water quality criteria for chlorpyrifos and it is not among the parameters that must be reported on the NPDES permit application form for POTWs (40 CFR 122.21(j)(4)). Although some streams in the Lower Boise watershed were listed in the State of Idaho's 2012 303(d)/305(b) integrated report as being impaired because of chlorpyrifos, neither Indian Creek nor the Boise River were listed as such. Therefore, the EPA has no basis to require effluent monitoring for chlorpyrifos.

Comment #30 (Nampa)

The City is requesting additional clarification as to the reasoning that DEQ used to justify a lower compliance evaluation level for chlorine in the revised permit (50 mg/L) as opposed to the 1999 permit (100 mg/L).

Response #30

The commenter provided incorrect units for the chlorine compliance evaluation level in both the 1999 permit and the draft permit. The correct units are µg/L, as opposed to mg/L.

Currently approved methods have method detection limits for chlorine as low as 10 µg/L (e.g., Standard Method 4500 Cl-G). Thus, the EPA believes a minimum level of 50 µg/L is attainable for chlorine.

Comment #31 (Nampa)

On Page 19, in Section V.B, the fact sheet states, "The draft permit proposes more frequent monitoring for ammonia because the permittee has had difficulty complying with the effluent limits for ammonia in the prior permit." The Nampa WWTP has consistently met the effluent ammonia limits from the previous permit as shown in Table 1 of the Fact Sheet. Based on the data presented in this table, the Nampa WWTP has exceeded its effluent ammonia limit 5 times over a six year period, which equates to 0.2%. The above referenced sentence should be removed from the Fact Sheet.

Response #31

The fact sheet is a final document and will not be edited.

The EPA believes the referenced statement on Page 19 of the fact sheet is accurate. Although the violations have not been frequent, the permittee has violated the ammonia limits in the 1999 permit at times, with the most recent violation in September 2013. The September 2013 violation was not captured in the summary provided in Table 1 of the fact sheet, as Table 1 was based on a database query performed on May 17, 2013.

The EPA believes the proposed effluent monitoring frequency for ammonia of twice per week is appropriate.

Comment #32 (Nampa)

The Pretreatment Requirements section should be updated to reflect the information submitted in the most recent, 2014, Pretreatment Annual Report.

Response #32

The fact sheet is a final document and will not be edited.

Comment #33 (ICL)

We do not support the provision of this draft permit that provides for a 9 year 11 month compliance schedule for copper.

EPA and DEQ have justified a 9 year 11 month compliance schedule for total phosphorus based on the time (and funding) needed to evaluate and implement various potential facility upgrades.

However, the achievement of final effluent limits for copper is not based on pending facility upgrades. Rather, copper compliance is based on the city identifying the contributing facilities and developing and implementing a pollutant minimization plan. There are a limited number of generally well-understood types of facilities (like circuit board manufactures) that typically discharge copper into the influent of WWTPs. Whereas total phosphorus compliance will require years of complicated construction at the WWTP, copper compliance will require that the city simply change the behavior of a limited number of facilities discharging to the WWTP. There is no justification for such a protracted compliance schedule for copper and it should be greatly shortened or completely eliminated.

We do not support the provision in this draft permit that provides for a 9 year 11 month compliance schedule for mercury.

EPA and DEQ have justified a 9 year 11 month compliance schedule for total phosphorus based on the time (and funding) needed to evaluate and implement various potential facility upgrades.

However, the achievement of final effluent limits for mercury is not based on pending facility upgrades. Rather, mercury compliance is based on the city developing and implementing a Mercury Minimization Plan. Developing such a plan should not take the city too long – as this is pretty standard and the city will undoubtedly be benefiting from the many other Mercury Minimization Plans that have been created in Idaho and across the United States. There are a limited number of generally well-understood types of facilities that typically discharge mercury into the influent of WWTPs. Whereas total phosphorus compliance will require years of complicated construction at the WWTP, mercury compliance will require that the city simply change the behavior of a limited number of facilities discharging to the WWTP. There is no justification for such a protracted compliance schedule for mercury and it should be greatly shortened or completely eliminated.

Response #33

The EPA believes it is reasonable for the compliance schedules for copper and mercury to be the same length as the compliance schedule for TP. As stated in the State of Idaho's draft Clean Water Act Section 401 certification, "it is anticipated that the addition of biological nutrient removal and improved tertiary filtration implemented for phosphorus removal will provide some level of enhanced removal for metals as general effluent quality is improved."

Copper is abundant in the Earth's crust and thus occurs naturally in water. Copper is a common material for water pipes. Thus, domestic users of the City of Nampa's POTW likely contribute copper to the POTW and therefore it is unlikely that it could be controlled entirely through reductions in inflow. Thus it is reasonable for the compliance schedule for copper to be the same length as the compliance schedule for TP.

The EPA agrees that the development and implementation of the mercury minimization plan will likely reduce discharges of mercury from the City of Nampa WWTP. However, it is unclear whether the reductions realized from the mercury minimization plan will be adequate to consistently achieve the final numeric water quality-based effluent limits for mercury for outfall 001. Similar to copper, the EPA expects that enhanced biological nutrient removal and improved tertiary filtration will result in reductions in mercury discharges. Thus, it is reasonable for the compliance schedule for mercury to be the same length as the compliance schedule for TP.

Comment #34 (ICL)

The EPA has determined that this WWTP has the reasonable potential to violate water quality limits for copper. As such, EPA must issue effluent limits for copper to the Nampa WWTP in this permit. However, the EPA has not included interim copper limits. This oversight needs to be rectified and interim limits need to be established.

Response #34

As stated by the commenter, the EPA has determined that the City of Nampa WWTP has the reasonable potential to cause or contribute to excursions above water quality standards for copper. The permit includes water quality-based effluent limits for copper, however, these limits are subject to a compliance schedule and do not take effect immediately upon the effective date of the final permit.

The federal regulations concerning compliance schedules state that for compliance schedules longer than one-year "the schedule shall set forth interim requirements and the dates for their achievement"

(40 CFR 122.47(a)(3)). However, nothing in the federal compliance schedule rule nor the State of Idaho's compliance schedule authorizing provision requires interim effluent limitations. The compliance schedule authorized by the State of Idaho has interim requirements and the dates for their achievement as required by 40 CFR 122.47(a)(3).

Federal regulations speak to interim effluent limitations at 40 CFR 122.44(l). This regulation states that, "interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit (unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under § 122.62.)" The previous permit for the City of Nampa did not have any effluent limits for copper. Thus, in this case, 40 CFR 122.44(l) does not require interim effluent limits for copper.

Comment #35 (Nampa)

The City appreciates DEQ and EPA's diligent work and cooperation in developing this document. The City supports the DEQ's goal of improving water quality in the Lower Boise River watershed.

Response #35

Thank you for your comment.

Comment #36 (Nampa)

The chlorine, total ammonia, and total hardness minimum levels listed by DEQ cannot be measured by the City's lab equipment. If DEQ decides to continue with using this approach for these constituents, the City requests that a one year compliance schedule be established to allow the City time to acquire the equipment capable of testing at said minimum levels.

Response #36

Regarding effluent monitoring for ammonia, the permit requires only that the City "must achieve a minimum level (ML) less than the effluent limitation" (Part I.B.6.a). The most stringent effluent limit for ammonia in the permit is 1.31 mg/L. The permit does not require receiving water monitoring for ammonia. Thus, the City need not achieve the 50 µg/L minimum level for ammonia in Appendix A.

Regarding hardness, the City has stated that the City can achieve a minimum level of 1 – 2 mg/L as $CaCO_3$. As stated in the fact sheet, the 5^{th} percentile hardness of Indian Creek downstream from the discharge is 120 mg/L as CaCO3 from April – October and 200 mg/L as $CaCO_3$ from November –March. Thus, the EPA expects that an ML of 2 mg/L as $CaCO_3$ will adequately characterize the hardness of the effluent and receiving water. In the final permit, the EPA has changed the ML for hardness to 2 mg/L as $CaCO_3$.

The EPA agrees that it is reasonable to allow the required ML and compliance evaluation level for chlorine to remain at 100 µg/L for 1 year, to allow the City time to acquire new equipment to be able to comply with the 50 µg/L ML and compliance evaluation level proposed in the draft permit.

Comment #37 (Nampa)

The total phosphorus limits in the proposed draft NPDES permit will require significant investment by the City to address. The most recent estimate for this investment is approximately $90 million. Therefore, the City supports EPA's inclusion of a 10-year compliance schedule for phosphorus. This will

allow the City adequate time to plan, fund, design, and construct the required facilities to meet these new, more stringent total phosphorus limits.

Response #37

Thank you for your comment.

Comment #38 (Nampa)

The City believes that the proposed winter interim limit of 1.5 mg/L total phosphorus is appropriate given the City's implementation plan. This revised limit allows the City to continue forward with its current construction and funding plan without incurring unplanned additional costs for chemical treatment.

Response #38

Thank you for your comment.

Comment #39 (Nampa)

The temperature limits in the proposed draft NPDES permit will require significant investment by the City to address. Therefore, the City supports EPA's inclusion of a 15-year compliance schedule for temperature. This will allow the City adequate time to plan, fund, design, and construct the required facilities to meet these new, stringent temperature limits.

Response #39

Thank you for your comment.

Comment #40 (Nampa)

The City supports the inclusion of a 10-year compliance schedule for mercury as outlined in Table 3 and Table 4. The primary means for controlling mercury is through behavior modification for dischargers resulting from the completion of the Mercury Minimization Plan. However, if the results of the mercury minimization efforts do not result in the required reductions, the City would need to investigate alternative methods to meeting this stringent limit. If these alternatives require capital upgrades, the City would need sufficient time for evaluation, funding, design, and construction of these facilities. Therefore, the 10-year compliance schedule for mercury is appropriate to allow time for the development of the Mercury Minimization Plan, measurement of its effectiveness, and the implementation of other alternatives if necessary.

Response #40

Thank you for your comment.

Comment #41 (Nampa)

The City supports the inclusion of a 10-year compliance schedule for copper. As described in Section 1.C.3.e, the City intends to identify influent sources of copper in a step-wise fashion focusing first on likely contributors and wastewater characterization. Following the completion of this study, it may be necessary to construct capital facilities to meet the limit, which will require time to plan, fund, design, and construct. For these reasons, a 10-vear compliance schedule for copper is appropriate.

Response #41

Thank you for your comment.

Comment #42 (Nampa)

The weekly phosphorus limit noted in Table l and described further in Appendix F of the Fact Sheet is based on an arbitrary assumption of the coefficient of variation of effluent phosphorus concentrations. As noted in the research cited in Comment # 13, there is significant statistical variability is a characteristic of all nutrient removal plants and that this variability has to be considered in both identifying appropriate technologies in engineering the plants as well as determining appropriate limits in a regulatory setting process. While the City does not support the inclusion of weekly limits for phosphorus (Comment # 13}, preliminary biological process modeling has shown significant variability in projected effluent discharge concentrations resulting from variable influent loading conditions. Therefore, the City requests that a coefficient of variation (CV} of 1.2, which is the upper bound of the typical range, be used for the calculation of weekly limits. This assumption is consistent with other facilities operating similar processes in the area. Assuming this CV, the City believes the following are appropriate weekly limits should they be deemed necessary:

May-September: 15 lb/day x 2.35 = 35.25 lb/day

October-April: 52.6 lb/day x 2.35 2 123.6 lb/day

Response #42

As explained in the response to comment #4, the EPA has determined that it is impracticable to establish average weekly limits for total phosphorus at this time. Thus, the issue of the coefficient of variation that should be used to calculate average weekly limits is moot.

Comment #43 (Nampa)

The City is working towards uploading all monitoring data and other reports electronically using NetDMR. These DMRs from the City website will be available for public viewing. The City is requesting a period of six months to allow IT staff to configure the City website so that DMRs can be uploaded and viewed effectively.

Response #43

The EPA agrees that is acceptable to allow six months from the effective date of the final permit for the City to configure its website for posting of effluent data.

Comment #44 (Nampa)

The City requests that it not be included in EPA's pilot project for 'next generation compliance' efforts. The City is faced with a number of new requirements, each requiring significant capital costs, as a result of the requirements of the renewed NPDES permit. With this level of commitment, participating in this pilot project is an overly onerous requirement for the City. Furthermore, similar requirements have not been included for the City of Meridian, who is facing a similar level of investment.

Response #44

The EPA has not removed the next generation compliance requirements from the permit. However, as stated in the response to comment #28, the EPA has allowed six months from the effective date of the permit for the City to configure its website for posting of effluent data.

The EPA does not agree that these requirements are overly onerous. The permit language allows for effluent data to be displayed in tables viewable directly in an internet browser or as Portable Document

Format (PDF) files. A PDF file can be created in a number of ways, including by scanning a DMR that was submitted to the EPA or by "printing" to PDF from a spreadsheet or word processing program.

As explained on Page 28 of the Fact Sheet, part of the basis for including the next generation compliance requirements in this permit was to address environmental justice. As explained on Page 30 of the Fact Sheet for the City of Meridian draft permit, the Meridian WWTP is not located within or near any Census block groups that are potentially overburdened.

Comment #45 (Nampa)

The proposed permit states that the City must report any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit on its publicly-accessible website within 24 hours from the time the City becomes aware of the circumstances. The City is requesting clarification as to what is required to be reported as part of this permit requirement.

Response #45

The draft permit language that the City is referring to in this comment reads as follows:

> *The Permittee must report any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit on its publicly-accessible website within 24 hours from the time the permittee becomes aware of the circumstances.*

The EPA agrees that this draft language is unclear as to what must be reported on the website. Therefore, the EPA has changed this requirement to read as follows:

> *The Permittee must report on its publicly-accessible website any instance of noncompliance for which 24-hour telephone reporting is required by Part III.G of this permit by posting to its publicly-accessible website the written submission required in Part III.G.2 of this permit within 7 days of submitting such written submission to EPA.*

Part III.G.2 of the permit specifies the required content of the written submission that must follow 24-hour telephone reporting, thus clarifying what must be posted to the website as well. The EPA believes that the additional detail provided in the written submission (which would likely not be known within 24 hours of becoming aware of noncompliance) would be more meaningful to the public than the cursory information that would be known within 24 hours.

Comment #46 (Nampa)

The priority pollutants, volatile compounds, base/neutral compounds, dioxins, and pesticides/PCBs have testing parameters that the City cannot currently test. If DEQ decides to continue with using this approach for these constituents, the City requests that a 1-year compliance schedule be established to allow the City time to acquire the equipment capable of testing these parameters.

Response #46

There are some priority pollutants with twice per year sampling requirements as part of the pretreatment requirements in the prior permit (Part I.D), specifically copper, cyanide, mercury, arsenic, cadmium, chromium, lead, nickel, selenium, silver, and zinc. The EPA expects that the City should be able to continue sampling for these pollutants twice per year.

The EPA agrees that monitoring for other priority pollutants, volatile compounds, base/neutral compounds and pesticides may begin within 1 year of the effective date of the final permit.

The permit does not require any analysis for dioxin or PCBs.

Comment #47 (Nampa)

The fact sheet states, "The facility produces Class B biosolids which are usually applied to land in southeastern Canyon County." The Nampa WWTP discontinued land application and currently disposes of biosolids at the Simco Road Landfill. This information should be updated to reflect current operations.

Response #47

The Fact Sheet is a final document, the purpose of which is to explain the conditions proposed in the draft permit. It will not be edited.

Comment #48 (IRU)

It should be stated that the monitoring is required while the permit is in effect.

Response #48

All of the permit conditions, including monitoring requirements, are effective and enforceable as long as the permit is in effect, including any period of time during which the permit is administratively continued under 40 CFR 122.6. It is not necessary to state this.

Comment #49 (IRU)

IRU supports all of the effluent monitoring requirements.

Response #49

Thank you for your comment.

Comment #50 (IRU)

Idaho Rivers United supports the surface water monitoring requirements, especially the requirement that the monitoring must continue for as long as the permit remains in effect.

Response #50

Thank you for your comment.

References

Denton DL, Miller JM, Stuber RA. 2007. *EPA Regions 8, 9 and 10 Toxicity Training Tool (TTT)*. January 2010. San Francisco, CA.
http://www.epa.gov/sites/production/files/documents/ToxTrainingTool10Jan2010.pdf

EPA. 1985. Ambient Water Quality Criteria for Mercury – 1984. United States Environmental Protection Agency. Office of Water. Regulations and Standards. Criteria and Standards Division. EPA 440/5-84-026. January 1985.
http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P100043A.TXT

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control*. United States Environmental Protection Agency. Office of Water. EPA/505/2-90-001. March 1991. http://www3.epa.gov/npdes/pubs/owm0264.pdf

EPA. 2002. *Method 1003.0: Green Alga,* Selenastrum capricornutum*, Growth Test; Chronic Toxicity*. Excerpt from: Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms. United States Environmental Protection Agency. Office of Water. EPA-821-R-02-013. October 2002. http://www.epa.gov/sites/production/files/2015-12/documents/method_1003_2002.pdf

EPA. 2004. *Local Limits Development Guidance*. United States Environmental Protection Agency. Office of Wastewater Management. EPA 833-R-04-002A. July 2004. http://www3.epa.gov/npdes/pubs/final_local_limits_guidance.pdf

EPA. 2010. Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion. United States Environmental Protection Agency. Office of Science and Technology. EPA-823-R-10-001. April 2010. http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1007BKQ.TXT

EPA. 2010. *U.S. Environmental Protection Agency NPDES Permit Writers' Manual*. United States Environmental Protection Agency, Office of Wastewater Management, EPA-833-K-10-001. September 2010. http://www.epa.gov/sites/production/files/2015-09/documents/pwm_2010.pdf

EPA. 2011. Fact Sheet: West Boise Wastewater Treatment Facility, City of Boise. United States Environmental Protection Agency. October 17, 2011. http://www3.epa.gov/region10/pdf/permits/npdes/id/west_boise_fs.pdf

IDEQ. 1999. *Lower Boise River TMDL: Subbasin Assessment, Total Maximum Daily Loads*. Revised September 29, 1999. http://www.deq.idaho.gov/media/451243-_water_data_reports_surface_water_tmdls_boise_river_lower_boise_river_lower_entire.pdf

IDEQ. 2015. *Idaho Mixing Zone Implementation Guidance*. Draft. Idaho Department of Environmental Quality. Water Quality Division. Boise, Idaho. July 2015. http://www.deq.idaho.gov/media/60177021/idaho-mixing-zone-implementation-guidance-draft.pdf

IDEQ. 2015. *Lower Boise River TMDL: 2015 Sediment and Bacteria Addendum*. Idaho Department of Environmental Quality. Boise, Idaho. June 2015. http://www.deq.idaho.gov/media/60176728/lower-boise-river-tmdl-sediment-bacteria-addendum.pdf

IDEQ. 2015. *Lower Boise River TMDL: 2015 Total Phosphorus Addendum*. Final. Idaho Department of Environmental Quality. Boise Regional Office. Boise, Idaho. August 2015. http://www.deq.idaho.gov/media/60177413/lower-boise-river-tmdl-total-phosphorus-addendum-0815.pdf

Standard Methods Online -- Standard Methods for the Examination of Water and Wastewater. http://standardmethods.org/

USGS. 2015. *National Field Manual for the Collection of Water-Quality Data: U.S. Geological Survey Techniques of Water-Resources Investigations, Book 9*. U.S. Department of the Interior. U.S. Geological Survey. Compiled October 2015.
http://water.usgs.gov/owq/FieldManual/