



# **U.S. ENVIRONMENTAL PROTECTION AGENCY**

## **Response to Comments on Draft NPDES Permits**

**City of Smelterville**

**Smelterville Wastewater Treatment Plant**

**NPDES Permit No. ID-0020117**

**South Fork Coeur d'Alene Sewer District**

**Mullan Wastewater Treatment Plant**

**NPDES Permit No. ID-0021296**

**South Fork Coeur d'Alene Sewer District**

**Page Wastewater Treatment Plant**

**NPDES Permit No. ID-0021300**

**August 21, 2013**

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## I. Background

On February 15, 2013, the U.S. Environmental Protection Agency (EPA) issued a notice of proposed reissuance of the National Pollutant Discharge Elimination System (NPDES) permit for treated wastewater discharges from the wastewater treatment facilities shown in Table 1. The public review and comment period ended on May 1, 2013. The EPA received 33 comment letters from the parties listed in Table 2. General responses to a significant number of letters with similar comments and concerns are provided in section III. The EPA thanks all stakeholders for their interest and comments on the draft permit documents.

**Table 1. NPDES Draft Permits for Comment**

Facility Name NPDES Permit Number	City, State	Comment Period	Draft Permit	Fact Sheet
<a href="#">City of Smelterville</a> ID-0020117	Smelterville, ID	2/15/13 - 4/1/13 Extended to 5/1/13	<a href="#">City of Smelterville WWTP Draft Permit (PDF)</a> (28 pp, 216K)	<a href="#">City of Smelterville WWTP Fact Sheet (PDF)</a> (88 pp, 2.6MB)
<a href="#">South Fork Coeur d'Alene Sewer District, Mullan Wastewater Treatment Plant</a> ID-0021296	Mullan, ID	2/15/13 - 4/1/13 Extended to 5/1/13	<a href="#">South Fork Coeur d'Alene Sewer District Mullan WWTP Draft Permit (PDF)</a> (28 pp, 212K)	<a href="#">South Fork Coeur d'Alene Sewer District Mullan WWTP Fact Sheet (PDF)</a> (80 pp, 3MB)
<a href="#">South Fork Coeur d'Alene Sewer District, Page Wastewater Treatment Plant</a> ID-0021300	Smelterville, ID	2/15/13 - 4/1/13 Extended to 5/1/13	<a href="#">South Fork Coeur d'Alene Sewer District Page WWTP Draft Permit (PDF)</a> (32 pp, 244K)	<a href="#">South Fork Coeur d'Alene Sewer District Page WWTP Fact Sheet (PDF)</a> (97 pp, 2.9MB)

Note: Hyperlink to documents may be disabled following issuance of the final permits. Use <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Current+ID1319> to access final permits.

## II. Summary of Commenters

The following people or representatives, as listed in Table 2, provided comments on the draft permit. Ratepayers and other stakeholders expressed similar general concerns, the EPA responded to these comments in a general response section, III.A. Responses to comments received from the permittees and satellite entities are provided in Sections III.B and III.C, respectively. A complete record of all comment received is in the administrative record and available upon request. The Idaho Department of Environmental Quality (IDEQ) provided responses to comments on their Clean Water Act (CWA) section 401 certification. Refer to IDEQ for their response document.

**Table 2. List of Commenters**

No.	Last Name	First Name	Title	Address	Affiliation
1.	Barker	Marian		Silverton, ID	Ratepayer
2.	Berg	Dan		Mullan, ID	Ratepayer
3.	Branstetter	Michael		Osburn, ID	Ratepayer
4.	Bulter	Mary Ruth	Executive Director, Kindred Nursing and Rehabilitation		Ratepayer
5.	Cobb	Jerry		Kellogg, ID	Ratepayer

No.	Last Name	First Name	Title	Address	Affiliation
6.	Crapo	Mike	Idaho Congressional Delegation		Stakeholder
7.	Cuthbert	John		Osburn, ID	Ratepayer
8.	Davis	Josephine		Kellogg, ID	Ratepayer
9.	Debbie	Reece		Pinehurst, ID	Ratepayer
10.	deBlaquiere	Connie			Ratepayer
11.	Dunnigan	Michael	Mayor, City of Mullan	Mullan, ID	Satellite Entity
12.	Elston	Irene		Pinehurst, ID	Ratepayer
13.	England	Doug			Ratepayer
14.	Fitzgerald	Mike		Kellogg, ID	Ratepayer
15.	Grandpre	Randall and Margaret		Osburn, ID	Ratepayer
16.	Gregory	Jill		Pinehurst, ID	Ratepayer
17.	Groves	Jo Ann	Mayor, City of Wardner		Stakeholder
18.	Heldon	Lori and John		Osburn, ID	Ratepayer
19.	Huber	Jay	Mayor, City of Pinehurst		Stakeholder
20.	Huber	Larry	Mayor, City of Smelterville		Permittee
21.	McGillivray	Kip	Mayor, City of Osburn	Osburn, ID	Satellite Entity
22.	Miller	Ed			Ratepayer
23.	Murray	Mike		Mullan, ID	Ratepayer
24.	Parody	Fran		Post Falls, ID	Interested Party/Ratepayer
25.	Pooler	Mac	Mayor, City of Kellogg		Satellite Entity
26.	Roland				Ratepayer
27.	Stout	Jeanne		Moscow, ID	Interested Party
28.	Stout	Ross	Manager, SF CdA River Sewer District		Permittee
29.	Stout	Ross	Manager, SF CdA River Sewer District		Permittee
30.	Vester	Dick	Mayor, City of Wallace		Satellite Entity
31.	Walde	Susie			Ratepayer
32.	Yergler	Larry	Chairman, BOCC Shoshone County		Stakeholder
33.	Zieja	Rose		Osburn, ID	Ratepayer

**Table 3. Summary of Persons Providing Comments**

Affiliation	No. Letters	Definition
Permittee	3	2 permittees, SFSD operates 2 WWTP (Page and Mullan) and large parts of the collection system, the City of Smelterville operates 1 WWTP and the collection system.
Satellite Entity	4	4 cities own and operation their own collection system. Under the permits, these cities are expected to invest in I/I correction.
Stakeholder	4	Governmental organizations representing citizens in the service area.
Ratepayer	20	Resident stakeholders that will be impact by higher sewer rates.
Interested Party	2	Other interested stakeholders that may reside outside the service area.
<b>Total</b>	<b>33</b>	

### III. Response to Comments

#### A. General Responses to Comment Received

##### 1. Applicable Water Quality Standards for Cadmium, Lead and Zinc

The EPA received several comments regarding Idaho's water quality standards for the South Fork Coeur d'Alene River. Generally, the comments expressed that the standards should be less stringent because of the history of high metals in the river water. Various comments expressed that the prevalence of metal-laden soil, groundwater and other unique conditions in the area justify special deference. Other comments expressed that the variances should remain in place so that permittees are relieved from meeting water quality standards. The following paragraphs explain how water quality standards must be used in NPDES permitting and the flexibilities available under the CWA and NPDES regulations. Additional information about the applicable standards is available in the draft fact sheets.

The CWA and EPA's regulations specify the requirements for adoption of water quality criteria into state water quality standards (WQSs). States must adopt water quality criteria that protect designated and existing uses for waterbodies, refer to CWA section 303(c)(2)(A). Water quality criteria must be based on sound scientific rationale and must contain sufficient parameters or components to protect the designated uses (see 40 CFR 131.11). Additionally, states may allow for variances from adopted criteria and site-specific criteria.

The EPA must use Idaho's approved WQSs and water quality criteria for NPDES permits issued in the state. Idaho's WQSs are found under state regulation IDAPA 58.01.02<sup>1</sup>. Idaho's standards include provisions for variances and site-specific criteria. The draft permits utilize variances and site specific criteria to develop the metals effluent limitations. Two provisions under the standards make longer term variances difficult to use (1) variances can remain in effect for only a five year period and (2) discharges must show reasonable progress toward meeting the standards.<sup>2</sup> Renewing the variance every 5 years requires significant time and effort on the part of the permittees, the IDEQ staff and the EPA staff. Variances from the applicable water quality criteria require EPA approval. There are no guarantees that sufficient justification can be made to ensure IDEQ and EPA approval for variance renewals from one 5-year period to the next. The current variances expire on July 30, 2014.

Idaho adopted site-specific criteria for cadmium, lead and zinc in the South Fork Coeur d'Alene subbasin<sup>3</sup>. The site-specific criteria were used in establishing the proposed QBELs in the draft

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<sup>1</sup> IDAPA 58.01.02 <http://adminrules.idaho.gov/rules/2011/58/0102.pdf>

<sup>2</sup> IDAPA 58.01.01.260.d. Excerpt:

- i. Upon expiration of the five (5) year time period or permit, the discharger must either meet the standard or must re-apply for the variance in accordance with these rules.
- ii. In considering a re-application for a variance, the Department will require the discharger to demonstrate reasonable progress towards meeting the standard.

<sup>3</sup> Development of Site-Specific Water Quality Criteria for the South Fork Coeur d'Alene River, Idaho, Application Of Site-Specific Water Quality Criteria Developed In Headwater Reaches To Downstream Waters. Idaho Department of Environmental Quality, December 13, 2002, ([http://www.deq.idaho.gov/media/445306-sfcda\\_criteria\\_downstream.pdf](http://www.deq.idaho.gov/media/445306-sfcda_criteria_downstream.pdf))

permits as well as the previously issued permits. These site-specific criteria are significantly higher than the comparable aquatic life criteria at the same assumed hardness as shown in Table 4. Significant analysis was required to justify the adoption of Idaho's site-specific criteria for the South Fork Coeur d'Alene River. EPA approved the site-specific water quality criteria on February 28, 2003.

**Table 4. Site-Specific Criteria Comparison**

**Acute Aquatic Life Criteria, µg/L at hardness = 100 mg/L**

Parameter	Water Quality Criteria	Site-Specific Criteria for SF CdA	Percentage SSC greater than WQS
Cadmium	1.3	2.1	62%
Lead	65	248	282%
Zinc	120	195	63%

**Chronic Aquatic Life Criteria, µg/L at hardness = 100 mg/L**

Parameter	Water Quality Criteria	Site-Specific Criteria for SF CdA	Percentage SSC greater than WQS
Cadmium	0.6	1.0	67%
Lead	2.5	28.3	1020%
Zinc	120	195	63%

In summary, the EPA used all available flexibilities under the CWA, NPDES regulations and Idaho's WQSs in establishing the proposed WQBELs. The EPA chose to incorporate a compliance schedule rather than seek ongoing variances to provide certainty for permittees going forward. Both variances and compliance schedules require enforceable milestones in NPDES permits. The expiring permits include WQBELs for metals and I/I reduction requirements mandated in their variances similar to requirements in the draft permits.

## 2. Water Quality Based Effluent Limits (WQBELs)

The EPA received a few general comments concerning the water quality-based effluent limits for metals. The comments include that the proposed permit should not include metals removal as a requirement, that the permittees should not have to remove metals until after the cleanup is complete and that the permit needs to establish reasonable limits.

The fact sheets described the statutory and regulatory requirements to establish water quality based effluent limits.

The proposed interim limits are based on the historical concentrations of metals in the effluent. Effluent metal concentrations have remained stable or trended slightly down since 2004. Based on the historic discharge data presented in the fact sheets, the permittees will be able to meet the proposed interim limits that will remain in effect for the next 20 years. The compliance schedule outlines permittees continued work on collection system repair and replacement to reduce inflows and infiltration. The schedule also incorporates the planning for long-term wastewater treatment plant needs, including possible metals treatment.

As required, the final effluent limits are based on the site-specific water quality criteria. The criteria must be met at the point of discharge because pollutant concentrations for metals in the receiving water exceed the criteria. The permittees are not required to meet the final WQBELs until January 1, 2035. The compliance schedule gives permittees time to evaluate the feasibility of metals treatment, and explore cost and funding options. Information gathered during the permit cycle will be used to inform the need for adaptive management approaches and compliance schedule adjustments.

### **3. Compliance Schedule to Meet CWA Obligations**

The EPA received comments concerning the imposition of a compliance schedule and concerns that the 20-year period to comply with the final effluent limit for metals will cause significant economic hardship for ratepayers.

The EPA is imposing the compliance schedule because these are first-time WQBELs that have never been in effect as a result of the variances so we are allowing the facility time to come into compliance with the limits.

The EPA believes that a compliance schedule offers the most certainty and flexibility. A compliance schedule can be authorized for a long period, 20 years for the South Fork Coeur d'Alene River dischargers, without the need to re-justify or re-evaluate for the duration of the compliance schedule. The use of compliance schedules allows the permittees to retain the higher interim limits for 20 years.

A compliance schedule can be adjusted over time to account for new information. There are numerous uncertainties about the level of metals, the extent and impact of infiltration and inflow (I/I) on metals in the effluent, the impact of Superfund activities, and the feasibility and cost of metals treatment. The compliance schedule allows for the first 15 years of the 20-year compliance schedule to focus on rehabilitation of the collection systems. New information will be considered in future permit cycles to determine if additional time is needed for the discharges to comply with WQBELs. Regulation 40 CFR § 122.47 requires compliance by the permittee *as soon as possible*. The EPA lacks sufficient information to justify a longer compliance schedule at this time. IDEQ certified the compliance schedule in their CWA section 401 certification of the permits.

### **4. Infiltration and Inflow (I/I) Reduction**

Comments generally expressed agreement that the collection systems are in need of repair to reduce contaminated groundwater entering the collection systems. However, many expressed concerns about the significant financial constraints to repair the collection system on the timeline required by the compliance schedule. Commenters requested that the EPA consider the need to coordinate Superfund road repairs with collection system work and suggested that the state and/or federal government should pay for collection system rehabilitation.

I/I correction was a requirement under the previous permits in order to meet the WQBELs imposed in those permits beginning in June 2004. The previous permits had as requirements of the variances to "correct significant contributors of I/I" by 2009. In addition to the nine years

allotted for I/I since issuance of the previous permit, the proposed permit gives permittees an additional 15 years to address significant collection system deficiencies.

The EPA recognizes that significant I/I can disrupt wastewater treatment systems and lead to sanitary sewer overflows. All NPDES permittees are required to maintain and properly operate wastewater treatment and collection systems. Nationally, the EPA recognizes that communities have neglected collection systems and deferred collection system investments due to budgetary constraints.

The IDEQ and the EPA will monitor the permittees efforts and progress toward I/I correction during the permit cycle. Both the IDEQ and the EPA encourage the permittees to seek financial assistance through state and federal programs. The EPA acknowledges that there are unknowns about the extent and cost of repairs. Information gathered by the requirements for evaluation and planning under the permit will be used to inform the need for adjustment in permit requirements during future permit cycles. The EPA believes that the proposed schedule is prudent and defensible based on the information known at this time.

## **5. Requirements for Metals Treatment**

Many comments express concerns about the requirements and cost to treat domestic wastewater to remove metals. The general opinions expressed were that metals treatment should not be the responsibility of the permittees because the primary sources of metals into the system was through contaminated groundwater infiltration into the collection system. Comments also express the lack of benefits to removing metals from wastewater that is discharged to the SFCdA river which contains higher concentrations of metals.

Following from the discussion in III.A.2 and III.A.3, once it is determined that a discharger must have WQBELs to ensure that the discharge does not contribute violations of the WQSSs, the permit must incorporate the WQBELs and provide a set of enforceable actions to achieve compliance with the limits (40 CFR § 122.47). NPDES regulations and guidance<sup>4</sup> allow compliance schedules to be incorporated into permits when WQBELs are being issued for the first time and cannot be achieved immediately.

The EPA understands that there are many unknowns about the cost and options for the permittees to meet the proposed limits. The permittees are required to take actions that the EPA believes will provide information needed to move forward in an effective way. At this point, there is insufficient information to determine the technical and economic feasibility of metals treatment or to justify a longer compliance schedule. The EPA recommends that the permittees seek financial assistance to evaluate the feasibility of treatment.

As suggested in many comments, the EPA's water programs will seek to coordinate with the Superfund Program on their cleanup activities. The objective is to ensure that point source discharges of metals to the river will be increasingly controlled as the cleanup activities proceed over the coming years.

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<sup>4</sup> U.S. EPA Permit Writers' Manual, September 2010, p. 9-8. <[http://www.epa.gov/npdes/pubs/pwm\\_2010.pdf](http://www.epa.gov/npdes/pubs/pwm_2010.pdf)>



## **6. Sewer Rate Increases and Requests for Financial Assistance**

The overwhelming concern expressed by ratepayers is the cost of compliance with the proposed permit conditions and the significant increase in sewer rates to pay for the required infrastructure repairs, upgrades and new treatment requirements.

The challenges in the Silver Valley are unique due to the legacy of metals pollution in the area, but not uncommon as many communities face ever more stringent requirements under the Clean Water Act. Throughout the country, wastewater infrastructure installed in the past century has reached the end of its useful life and must be rehabilitated or replaced.

State and federal government have no jurisdiction with regard to local sewer rates and local planning and tax decisions.

The EPA encourages permittee and local jurisdiction to work with IDEQ to investigate grant and loan funding options.

## **7. Historic Metals and the Superfund Site**

Many comments elaborated on the history of mining in the Silver Valley and the resulting soil and groundwater contamination. There were comments about the EPA's role in the Bunker Hill Mining and Metallurgical Superfund Site<sup>5</sup> work and the need to extend those obligations to help address costs associated with NPDES permit compliance. The Idaho Congressional Delegation among others commented on the need for state and federal agencies to coordinate activities to increase efficiency and effectiveness, and to tie treatment requirement to ambient water quality improvements.

The EPA acknowledges the complexity of issues facing Silver Valley residents. As described in the sections above, the CWA and NPDES regulations offer limited flexibilities to account for site-specific conditions. As stated previously, the EPA feels that the long-term compliance schedule is a reasonable approach given what we know at this time. Both the IDEQ (in their preliminary section 401 certification) and the EPA agree that new information may warrant changes to the proposed compliance schedule.

We fully understand the importance of close coordination between EPA permitting and Superfund staff. Key staff have already met to discuss the timing of work and priorities in their respective programs and they will continue to meet regularly.

## **8. Economic Cost without Environmental Gain**

Several comments expressed the insignificant environmental benefits that would be gained by treating to remove metals from the effluent prior to discharge. Ratepayers are concerned about the cost of treatment and the impact on sewer rates.

The EPA foresees the initial permittee focus, during the next 15 years, to be on needed collection system rehabilitation. This will benefit the ratepayers and permittees by reducing the amount of

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<sup>5</sup> Information about Bunker Hill Mining and Metallurgical Superfund Site  
<<http://yosemite.epa.gov/r10/cleanup.nsf/sites/bh>>

groundwater entering the collection system, reduce the overall volume of wastewater to treat, reduce operating costs and increase system reliability. The EPA recognize the significant cost burden of collection system rehabilitation will place on the permittees and ratepayers; however, the work will become more urgent and costly the longer it is delayed. The EPA encourage the permittees to seek state and federal government funding to assist in defraying the cost for ratepayers.

The EPA agrees that metals treatment, with its high capital and operating costs, will not yield sufficient environmental benefits at this time. However, the NPDES permit must incorporate a feasible path to compliance with WQBELs. If I/I correction alone does not bring the permittees into compliance, metals treatment would provide the path to compliance. The EPA will re-evaluate the status of compliance and feasible options for compliance to establish reasonable timeframes and approaches to meet permit requirements.

## **B. Response to Permittee Comments**

Below is a summary and/or paraphrasing of entity's comments.

### **1. Comments and Requests from the City of Smelterville**

We would like to request a one year extension for Task No. 1 - (Due by Dec. 31, 2014) - Install a Dechlorination System.

This request is being made because we have been advised by the EPA and DEQ that the Smelterville Wastewater System must connect to the South Fork of the Coeur d'Alene River Sewer System; and in view of that directive, it appears to us that the installation of a dechlorination system would be an extravagant move for our small sewer system with the financial burdens that we bear.

#### ***EPA Response:***

Neither the EPA nor the proposed NPDES permit requires the City of Smelterville to connect to the Page WWTP. The permit was written to ensure that Smelterville could continue to operate and meet limits for ammonia based on the historic effluent concentrations. The EPA allocated the pollutant load between Page WWTPs and Smelterville WWTP to allow for a limit that the facility should be able to meet based on historical operation, as presented in the fact sheet. For metals, the EPA allowed for a 20-year compliance schedule before the lower WQBELs would be in effect. The permit requires Smelterville to evaluate the cost of complying with WQBELs with and without connecting to the Page WWTP to serve the long term technical and financial planning.

The EPA agrees to modify the compliance schedule to allow a one-year extension to comply with the chlorine compliance schedule in light of ongoing work needed to address I/I in the new collection system.

### **2. Comments and Requests from the South Fork CdA Sewer District – Page WWTP**

The following table summarizes the request for changes to the Page WWTP permit.

**Table 5. Comments and Response Page WWTP**

<b>Comment</b>	<b>EPA Response</b>
<p><i>Table 1, Page 6 - Ammonia Limit</i>  The District treatment facility is unable to consistently meet the proposed average monthly permit level of 13.3 µg/l. The District is requesting a five-year compliance schedule to meet the ammonia limit.</p>	<p>As discussed in the fact sheet, the monthly average ammonia limit is higher in the proposed permit than in the current permit. Compliance schedules are only allowed for new water quality based effluent limits that are more stringent than the previous limits. Since the previous permit limit was more stringent than the limit in effect in the previous permit, a compliance schedule cannot be imposed. <i>See</i> 40 CFR 122.47. The permittee may increase the sample frequency to allow them to meet the monthly average limits.</p> <p>Permit is unchanged.</p>
<p><i>Table 1, Page 7-Metals Limits</i>  <i>Interim Metals Limits</i> -These updated limits are more restrictive for Cadmium and Lead. Although these appear to be warranted based on data used in EPA 's analysis, high flow periods in spring of 2012 showed spikes in effluent concentrations significantly higher than the interim limits (see attached monitoring data, refer to letter in appendix A). For this reason, the District is requesting that the current variance limits be used as the interim limits.</p>	<p>As discussed in the fact sheet, the proposed performance-based limits were calculated based on a larger and more recent dataset. The permittee should plan to sample for metals early in the month and re-sample to bring down the monthly average in order to meet the proposed limits.</p> <p>Permit is unchanged.</p>
<p><i>Final Numeric Effluent Limits</i>  The District requests that they be granted an allowance for the metals that come from groundwater and that the compliance schedule include five years to allow quantification of this amount.</p>	<p>The District may pursue the feasibility of allowing for metals contribution from groundwater with the IDEQ and the EPA over the course of the permit term. The EPA will not delay implementation of the compliance schedule as this work proceeds.</p> <p>Permit is unchanged.</p>

Comment	EPA Response
<p><i>Final Numeric Limits</i> The District requests that the Final Numeric Effluent Limits be tied to the redefined TMDL and Superfund limits based on what is technologically achievable.</p>	<p>The final numeric effluent limits can be changed based on new information at any time prior to the limits becoming effective in 2035. The District should work closely with the IDEQ and the EPA to pursue these options.</p> <p>Permit is unchanged.</p>
<p><i>Table 1, Page 5, Footnote 2</i> Reporting of violations is required within 24 hours. Metals testing requires several weeks so it is assumed that this is within 24 hours of receipt of test results, rather than when the sample was taken.</p> <p>The Method Detection Limit for Chlorine has been reduced to 0.050 mg/l. Current District testing equipment has an accuracy of 0.1 mg/l. The District requests that the Method Detection Limit be revised to 0.1 mg/l consistent with the existing permit.</p>	<p>Section III.G. of the permit specifies that the permittee must report within 24-hours of becoming aware of the circumstances of non-compliance.</p> <p>The EPA is requiring an ML of 0.05 mg/L in newly issued permits. Both Washington and Oregon use a ML of 0.05 mg/L for chlorine testing using method SM 4500 Cl G.</p> <p>Permit is unchanged.</p>
<p><i>Table 4, Page 12/13</i> <i>River Flow Monitoring</i> - The current permit bases flow on the Elizabeth Park gage. It is assumed that the District can continue to use this gage with appropriate corrections for upstream flow reporting.</p> <p><i>Temperature monitoring</i> - Surface water monitoring of temperature is difficult and dangerous due to the lack of good access to the receiving water and the wide range of flow conditions observed. Continuous monitoring will require that a recording temperature probe be installed and checked frequently. This is feasible for a short period of time, but becomes more difficult over longer periods. As a result, the District requests that the temperature monitoring be limited to the same period that effluent temperature monitoring is conducted (one year in 2014).</p> <p><i>Upstream Metals Testing</i> Significant ambient metals data exist upstream of the District's discharge location. The District requests that the EPA CERCLA and Water Quality Divisions work together to collect this data and eliminate it from the District's permit.</p>	<p>The District may continue to use this gauge.</p> <p><b>Permit changed to required continuous upstream monitoring in 2014 and semi-annual grab samples with other parameter throughout the permit cycle.</b></p>

<b>Comment</b>	<b>EPA Response</b>
<p><i>Table 5, Page 14/15</i>  <i>General Note</i>            As a general note, the District takes objection to the 20 year compliance schedule. Although we understand the need to move the process forward, the scale of the work required makes it unlikely that adequate funding and resources can adequately tackle this in the time frame proposed. Instead, the District requests that the compliance schedule in this permit focus on identification of the required improvements in the District and Satellite collection systems with a firm compliance schedule developed for the next permit renewal.</p>	<p>The current permit, beginning in 2004, focused on I/I reduction with the requirement to meet WQBELs by 2009. The proposed permits allow for 17 years to address I/I, until 2030. The permittee has until 2033 to meet WQBELs. Federal regulations require permittees to achieve compliance as soon as possible. New information may be provided to justify a longer compliance schedule.</p> <p>Permit is unchanged.</p>
<p>a. <i>Task 1(I/I Reduction Study)</i>            The collection of information required to evaluate I/I and potential reduction options depends on wet weather, a cooperative satellite system, and adequate state funding. This is unlikely to all happen in 2013 so the District requests that the compliance date for Task 1 be shifted to December 31, 2015.</p>	<p><b>Permit changed as requested.</b></p>
<p>b. <i>Task 2 (Facility Planning)</i>            This task is partially dependent on the outcome of Task 1 so the District requests that the compliance date for Task 2 be shifted to June 30, 2016.</p>	<p><b>Permit changed as requested.</b></p>
<p>c. <i>Task 2 (Facility Planning)</i>            The District will compare the cost of I/I removal to treatment options and determine a reasonable planning flow value as noted in the first paragraph. The District may or may not conduct an evaluation of the efficacy of I/I removal projects. As a result, the District requests that the second paragraph of Task2 beginning with, "In addition, the plan must include I/I study..." be deleted from the compliance schedule.</p>	<p><b>Permit changed as requested.</b></p>
<p>d. <i>Task 3 (Progress Report lo Address I/I)</i>            To clarify the intent of this section, the District requests that this be changed to, "The permittee must indicate progress removing I/I...".</p>	<p><b>Permit changed as requested.</b></p>

Comment	EPA Response
<p>e. <i>Task 4 (Treatment System Design)</i> The actual time required to design, fund, and construct metals treatment facilities is expected to be three years versus the four years shown on the compliance schedule. Pushing the compliance date back one year allows additional time to remove I/I as well as giving USEPA/IDEQ more time to resolve differences between Superfund water quality improvements and existing water quality standards. As a result, the District requests that the compliance date for Task 4 be changed to December 31, 2031.</p>	<p><b>Permit changed as requested.</b></p>
<p>f. <i>Tasks 4 - 7 (Treatment System Design and Construction)</i> These tasks are only necessary if the District is not in compliance with the water quality standards in effect in 2031. The District requests that a footnote be added to Tasks 4-7 indicating that these are required only if the District is not in compliance.</p>	<p><b>Permit changed as requested.</b></p>

### 3. Comments and Requests from the SFSD – Mullan WWTP

The following table summarizes the request for changes to the Mullan WWTP permit.

**Table 6. Comments and Response Mullan WWTP**

Comment	EPA Response
<p>g. <i>Table 1, Page 7-Metals limits</i> The District is requesting that the current variance limits be used as the interim limits.</p>	<p>As discussed in the fact sheet, the proposed performance-based limits were calculated based on a larger and more recent dataset. The permittee should plan to sample for metals early in the month and re-sample to bring down the monthly average in order to meet the proposed limits.</p> <p>Permit is unchanged.</p>
<p>h. <i>Final Numeric Effluent Limits</i> The District requests that they be granted an allowance for a metals that come for groundwater and that the compliance schedule include five years to allow quantification of this amount.</p>	<p>The District may pursue the feasibility of allowing for metals contribution from groundwater with the IDEQ and the EPA over the course of the permit cycle. The EPA will not delay implementation of the compliance schedule as this work proceeds.</p> <p>Permit is unchanged.</p>

<b>Comment</b>	<b>EPA Response</b>
<p>i. <i>Final Numeric Limits</i> The District requests that the final Numeric Effluent Limits be tied to the redefined TMDL and Superfund limits based on what is technologically achievable.</p>	<p>The final numeric effluent limits can be changed based on new information at any time prior to the limits becoming effective in 2035. The District should work closely with the IDEQ and the EPA to pursue these options.</p> <p>Permit is unchanged.</p>
<p>j. <i>Table 1, Page 7, Footnote 2.</i> Reporting of violations is required within 24 hours. Metals testing requires several weeks so it is assumed that this is within 24 hours of receipt of test results, rather than when the sample was taken.</p>	<p>Section III.G. of the permit specifies that the permittee must report within 24-hours of becoming aware of the circumstances of non-compliance.</p>
<p>k. The District requests that the - Method detection limit be revised to 0.1 mg/L consistent with the existing permit.</p>	<p>The EPA is requiring an ML of 0.05 mg/L in newly issued permits. Both Washington and Oregon use and ML of 0.05 mg/L for chlorine testing using method SM 4500 Cl G. Permit is unchanged.</p>
<p>l. <i>Page 9 - Surface Water Monitoring</i> The District requests that both the District and Hecla Mining be allowed to report the same monitoring data.</p>	<p>The permit will be modified to reflect that the use of shared monitoring data.</p> <p>Added “The permittee may collaborate with other dischargers to fulfill the monitoring requirements of this section as stated. The permittee remains responsible for all requirements of the permit. Failure to submit data required by the permit is a violation of the permit.”</p> <p><b>Permit changed as requested.</b></p>
<p>m. <i>Table 3, Page 9/10</i> <i>River Flow Monitoring</i> - The current permit bases flow on the Woodland Park Gage. It is assumed that the District can continue to use this gage with appropriate corrections.</p>	<p>EPA concurs with use of same gage.</p> <p>No permit changes required.</p>

Comment	EPA Response
<p>n. <i>Temperature Monitoring</i> Surface water monitoring of temperature is difficult and dangerous due to the lack of good access to the receiving water and the wide range of flow conditions observed. Continuous monitoring will require that a recording temperature probe be installed and checked frequently, this is feasible for a short period of time, but becomes more difficult over longer periods. As a result, the District requests that the temperature monitoring be limited to the same period that effluent temperature monitoring is conducted (one year in 2011).</p>	<p><b>Permit changed to required continuous upstream monitoring in 2014 and semi-annual grab samples with other parameter throughout the permit cycle.</b></p>
<p>o. <i>Table 4, Page 11/12</i> <i>General Note</i> - As a general note, the District takes objection to the 20-year compliance schedule. Although we understand the need to move the process forward, the scale of the work required makes it unlikely that adequate funding and resources can adequately tackle this in the time frame proposed. Instead, the District requests that the compliance schedule in this permit focus on identification of the required improvements in the City of Mullan with a firm compliance schedule developed for the next permit renewal.</p>	<p>The current permit, beginning in 2004, focused on I/I reduction with the requirement to meet WQBELs by 2009. The propose permits allows for 17 years to address I/I, until 2030. The permittee has until 2033 to meet WQBELs. Federal regulations require permittees to achieve compliance as soon as possible. New information may be provided to justify a longer compliance schedule.</p> <p>Permit is unchanged.</p>
<p>p. <i>Task 1(I/I Reduction Study)</i> The collection of information required to evaluate I/I and potential reduction options depends on wet weather, a cooperative satellite system, and adequate state funding. This is unlikely to all happen in 2013 so the District requests that the compliance date for Task 1 be shifted to December 31, 2015.</p>	<p><b>Permit changed as requested.</b></p>
<p>q. <i>Task 2 (Facility Planning)</i> This task is partially dependent on the outcome of Task 1 so the District requests that the compliance date for Task 2 be shifted to June 30 2016.</p>	<p><b>Permit changed as requested.</b></p>



Comment	EPA Response
<p>r. <i>Task 2 (Facility Planning)</i> The District will compare the cost of I/I removal to treatment options and determine a reasonable planning flow value as noted in the first paragraph. The District may or may not conduct an evaluation of the efficacy of I/I removal projects. As a result, the District requests that the second paragraph of Task2 beginning with, "In addition, the plan must include I/I study..." be deleted from the compliance schedule.</p>	<p><b>Permit changed as requested.</b></p>
<p>s. <i>Task 3 (Progress Report to Address I/I)</i> To clarify the intent of this section, the District requests that this be changed to, "The permittee must indicate progress removing I/I..."</p>	<p><b>Permit changed as requested.</b></p>
<p>t. <i>Task 4 (Treatment System Design)</i> The actual time required to design, fund, and construct metals treatment facilities is expected to be three years versus the four years shown on the compliance schedule. Pushing the compliance date back one year allows additional time to remove I/I as well as giving USEPA/IDFQ more time to resolve differences between Superfund water quality improvements and existing water quality standards. As a result, the District requests that the compliance date for Task 4 be changed to December 31, 2031.</p>	<p><b>Permit changed as requested.</b></p>
<p>u. <i>Tasks 4 - 7 (Treatment System Design and Construction)</i> These tasks are only necessary if the District is not in compliance with the water quality standards in effect in 2031. The District requests that a footnote be added to Tasks 4-7 indicating that these are required only if the District is not in compliance.</p>	<p><b>Permit changed as requested.</b></p>

## C. Response to Satellite Entities

Below is a summary and/or paraphrasing of entity's comments.

### 1. Comment from the City of Mullan

To summarize, we would like EPA/IDEQ to consider the following to revise the permit:

1. Tie effluent limits from the SFSD Mullan plant to actual metals concentrations in the South Fork of the CdA River.
2. Postpone development of a compliance schedule until the full scope of I/I reduction is known and a funding plan is put together.

3. Consider whether the cost of metals treatment is justified by the small amount of improvement that it will cause in the river.

***EPA Response:***

As described in section III.A.2, the effluent limits can only be determined based on performance on an interim basis, final effluent limits must be based on Idaho's WQSs. Interim effluent limits are applicable when, in conjunction with a compliance schedule, such limits are in effect only until the final WQBELs can be met.

As described in section III.A.3, the compliance schedule can be adjusted based on new information. It is necessary to establish a compliance schedule in the permit to allow permittee operation under interim effluent limits.

The permit and compliance schedule requires the evaluation and cost estimate of metal treatment without further requirements to install treatment until 2030. There will be opportunities to evaluate information and progress on I/I during the next 15 years to inform the need for compliance schedule adjustments. In the absence of sufficient progress or new information, the EPA must have an enforceable compliance schedule in place for the permit to be consistent with the CWA and NPDES regulations.

**2. Comment from the City of Osburn**

We realize that many of our aging systems need to be improved, yet we strongly feel that the timeline proposed by this draft permit is unreasonable for one sewer district and its small cities to bear. We need time, and help!

***EPA Response:***

The EPA must have an enforceable compliance schedule in place for the permit to be consistent with the CWA and NPDES regulations, refer to III.A.3. Refer to III.A.6 for a discussion on rate impacts.

**3. Comment from the City of Kellogg**

A recent engineer's estimate to replace Kellogg's aged system was calculated to be \$22,208,000. Without outside financial assistance the program would place an unsustainable burden on the business climate and the residential population that has a higher average age and a lower than average income. Funding for a project of the magnitude will take significant state/federal support, which will be the key to a successful outcome, At this time we are asking for your assistance in a team effort to protect human and aquatic health in an affordable manner.

As this compliance schedule timeframe progresses, the EPA and DEQ need to consider what improvements, if any, the Superfund efforts have on river and groundwater quality. The District's effluent limits need to be tied to the instream and groundwater characteristics.

It makes good fiscal sense to put our efforts into collection system revitalization, working with the elected officials to adjust the water quality standards for this watershed and tie the treatment

standards to significant ROD successes. Building Metals Treatment Facilities is just simply unsustainable.

***EPA Response:***

The concerns expressed by the City of Kellogg are addressed under the general responses in Section III.A.

**4. Comment from the City of Wallace**

*High Metals in the Watershed* - The permit requires the SFSD to treat for metals by 2034 to meet low metals limits in the South Fork of the Coeur d'Alene River. Having lived and worked in this valley for most of my life I know how much better the quality of the river is now than it has been. It makes no sense to the to require the district's effluent limits to be much higher than current stream water quality, it is critical that any future permit, limiting metals be deferred until the metals levels in the river match those required of the treatment plant

*High Cost of Collection System Replacement* - Many of the communities in the Silver Valley are over 100 years old with sewer systems of similar age. Over the years, these s systems have aged and are now in need of replacement. Unfortunately, inadequate funding exists to replace all of the lines that need to replacement. The cities and district will need to address this problem, but it will be difficult to repair in 20 years what took over 100 years to create.

*Significant Pipeline replacement to control I/I* - Some pipeline placement has been deferred because of budgetary restraints. Wallace is committed to addressing pipeline replacement, but will not be able to fund the entire collection system replacement in less than 50 years. To meet the proposed schedule, the city of Wallace will need significant grant funds to keep this from creating a hardship on our citizens.

The City of Wallace will move forward with identifying the sources of clean water entering our system. This is expected to take 1-3 years depending on weather conditions. Once we have identified the required improvements, we will begin the process of working to fund and replace those sections. Due to a shortage of federal grant dollars, we cannot commit to a replacement schedule. We recommend that the district's compliance order be deferred until we know the scope of the problem and can adequately plan for it.

***EPA Response:***

The concerns expressed by the City of Wallace are addressed under the general responses in Section III.A.

**D. Response to the Idaho Congressional Delegation**

The EPA received a letter from Senators Crapo and Risch, and Representatives Labrador and Simpson dated April 26, 2013. The EPA provided a letter in response dated July 8, 2013.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

July 8, 2013

The Honorable Mike Crapo  
U.S. Senate  
239 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable James E. Risch  
U.S. Senate  
483 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Raul Labrador  
U.S. House of Representatives  
1523 Longworth House Office Building  
Washington, DC 20515

The Honorable Mike Simpson  
U.S. House of Representatives  
2312 Rayburn House Office Building  
Washington, D.C. 20515

Dear Senators Crapo and Risch, and Representatives Labrador and Simpson:

Thank you for your letter of April 24, 2013 concerning the National Pollutant Discharge Elimination System permits for three dischargers to the South Fork Coeur d'Alene River in the Silver Valley. Region 10 has been working with the Idaho Department of Environmental Quality and the dischargers for more than a year to reissue NPDES permits for the South Fork Sewer District's Page and Mullan wastewater treatment plants and for the City of Smelterville's WWTP. These permits, which began a 5-year permit term in 2004, were administratively extended on August 1, 2009. It is a high priority to reissue these permits to remove them from the expired permit backlog, and incorporate current standards and NPDES permitting requirements.

A legacy of metals contamination, aging sewage collection systems and difficult economic conditions coalesce to create challenges in constructing NPDES permits that meet the requirements of the Clean Water Act and NPDES regulations. The EPA considered these factors in drafting permits, which provide a path to meeting permit limitations that protect water quality. The permits incorporate long-term compliance schedules of 20 years to meet the water quality-based effluent limitations, with the first 15 years focused on collection system rehabilitation. This is the first time that the EPA has provided a period of this length to comply with a Region 10-issued NPDES permit. New information gathered over future permit cycles may provide justification to alter the proposed path to compliance.

Your letter suggests five ways that the EPA can assist permittees in meeting the requirements of the proposed permits.

1. We fully understand the importance of close coordination between our permitting and Superfund staff. Key staff have already met to discuss the timing of work and priorities in their respective programs and they will continue to meet regularly.

2. Dan Opalski, Director of the Office of Water and Watersheds, and Rick Albright, Director of the Office of Environmental Cleanup are committed to providing their leadership to assist in aligning ECL work plans with permit requirements to ensure ongoing coordination between the programs, DEQ and the permittees.
3. Regarding the Paved Road Surface Remediation Program, the EPA will provide funds to the local governments in the Bunker Hill Box and other communities in the Coeur d'Alene Basin to implement road surface remediation in accordance with various Records of Decision and the Paved Road Surface Remediation Strategy. Funding for Box projects will come from the EPA special settlement account for the Bunker Hill Superfund site. While these funds are not federally appropriated dollars, they are considered federal monies and there may be some limitation on their use to meet match requirements. This situation does not apply to the Basin jurisdictions because funding for that work is from the CDA Work Trust and are not considered federal dollars.

We recommended that the various local jurisdictions in the Box ask other federal funding entities to make their own determinations as to whether the special account funds can be used as match for other projects. It is our understanding a determination has been made allowing the use of the EPA special account funds as match for some projects.

We also agree that coordination between road repair work and replacement of necessary infrastructure is prudent. To that end, the EPA has provided one percent of the total roads funding budget to all local jurisdictions for planning purposes. This will help them develop short and long-term plans and identify areas where roadwork can be coordinated with other infrastructure work. In addition, this long-range planning will help the EPA with balancing the funding needs for the Bunker Hill Superfund site.

4. The IDEQ is responsible for developing total maximum daily loads (TMDLs) for impaired waterbodies such as the South Fork Coeur d'Alene River. TMDLs establish the mass of pollutants allowed for discharges from primarily point sources based on Idaho's approved water quality standards. Regulations require the NPDES permitting authority, the EPA for permits issued in Idaho, to incorporate effluent limitations into the permits consistent with Idaho's TMDL. The TMDL may incorporate an implementation plan that identifies specific actions for reducing pollution. However, point sources are generally assigned load allocations that are implemented through NPDES permits as effluent limits along with a compliance schedule to allow permittees time to meet limits as needed.

Under the CWA, dischargers cannot contribute to violations of the standards regardless of the quality of the receiving water. The EPA has discretion and can provide flexibility to meet permit requirements through an NPDES permit compliance schedule or other enforcement mechanism, such as on administrative order or consent decree.

5. The NPDES regulations at 40 CFR § 122.47 allow permit writers to establish schedules of compliance to give permittees time to achieve compliance with the CWA and applicable regulations. Schedules developed under this provision must require compliance by the permittee as soon as possible. The EPA must justify and document the appropriateness of

the compliance schedule considering the time the discharger has had to meet water quality-based effluent limits under prior permits. The permittees had nine years under the current permit and an additional sixteen years under the proposed permits to address inflow and infiltration issues. The proposed compliance schedules reflect our understanding of the challenges associated with financing costly infrastructure repairs. The compliance schedule may be extended through permit modification or during permit renewal based on new information.

Please contact me if you have further questions, or have your staff contact Karen Burgess in our NPDES Permits Unit at (206) 553-1644 or [burgess.karen@epa.gov](mailto:burgess.karen@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis J. McLerran". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis J. McLerran  
Regional Administrator



**E. IDEQ Response to Comments on CWA §401 Certification**

IDEQ is responsible for providing responses to all comment on their 401 certification. The response document is available from IDEQ.

**IV. Summary of Changes to Propose Final Permits****A. City of Smelterville**

Task no. 1 Install a Dechlorination System due date changes from December 31, 2014 to December 31, 2015.

Reduce ambient continuous temperature monitoring to 1 year in 2014, concurrent with effluent continuous temperature monitoring.

**B. South Fork Coeur d'Alene Sewer District, Mullan WWTP**

Typographical correction in Table 1, Interim limits for lead transposed, lead monthly average limits is 0.14 lb/day, maximum daily limit is 49 µg/L.

Reduce ambient continuous temperature monitoring to 1 year in 2014, concurrent with effluent continuous temperature monitoring.

Changes to compliance schedule milestone dates as noted in Table 6.

**C. South Fork Coeur d'Alene Sewer District, Page WWTP**

Reduce ambient continuous temperature monitoring to 1 year in 2014, concurrent with effluent continuous temperature monitoring.

Changes to compliance schedule milestone dates as noted in Table 5.