

ID0020397
City of Nezperce
Response to Comments

The U.S. Environmental Protection Agency Region 10 (EPA) first provided public notice of the draft permit for the City of Nezperce wastewater treatment plant (WWTP) on January 31, 2018. The comment period ended on March 2, 2018. Comments were received from the City of Nezperce and the Nez Perce Tribe.

Based on the comments received, the EPA revised the draft permit and provided a Statement of Basis to support the conditions of the Revised Draft. The comment period on the Revised Draft began on March 15, 2019 and ended on April 15, 2019. Comments were received from City of Nezperce, the Nez Perce Tribe Water Resource Division (NPT WRD) and the Idaho Conservation League (ICL). The final permit was reissued on June 25, 2019.

The City of Nezperce appealed the final permit to the Environmental Appeals Board (EAB) on July 25, 2019. The sole issue on appeal was that the final permit did not contain a compliance schedule for ammonia. On August 5, 2019, pursuant to 40 CFR § 124.16, the EPA notified the City of Nezperce that the ammonia limits were automatically stayed pending the EAB appeal. On September 27, 2019, the Region filed Motion for Voluntary Remand with the EAB to reconsider whether to include an ammonia compliance schedule in the permit. The EAB granted the motion on September 30, 2019.

The new draft permit proposing a compliance schedule was available for public comment on February 7, 2020. The comment period ended on March 9, 2020. Comments were received from the City of Nezperce.

As much as possible, the comments below were taken verbatim from the comments received by EPA.

1. **Comment:** Section I.D.2.b: Report of Progress

The due date for the report of progress is unclear. Please modify the permit to state that the report of progress is due the last day of the month of the effective day of the permit beginning one year after the effective date of the permit.

Response: The draft permit included the requirement: "The first annual Report of Progress is due <insert date one year after effective date of compliance schedule> and annually thereafter." The effective date of the compliance schedule was unknown at the time of the public comment period. The final permit includes the date June 1, 2021, which is one year after the effective date of the compliance schedule. See Permit Part I.D.2.b.

2. **Comment:** Section 1.D.2.c: Table 3 - Compliance Schedule, Task 3

The proposed compliance schedule identifies within Task 3 that the City will, "Locate and complete purchase of Site for Wastewater Reuse (Land Application)". Due to the high cost and availability of land, it is anticipated that

the City will identify property for a Land Application project and enter into a long-term lease with a landowner rather than purchase the proposed property. The City requests that the language within the compliance schedule, Task 3 be modified as follows to accommodate a long-term lease agreement:

"Land Acquisition: Identify and purchase or enter into a long-term lease agreement of Site for Wastewater Reuse (Land Application.)"

Response: The EPA has made the requested change to the Compliance Schedule.

3. **Comment:** Prior Comments [City of Nezperce]

Please reference prior comments of our letters dated March 1, 2018 and April 11, 2019

Response: The March 1, 2018, letter contained the City's comments on the draft permit that was noticed on January 31, 2018, while the April 11, 2019, letter contained the City's comments on the draft permit that was noticed on March 15, 2019. The current action only addresses the inclusion of a compliance schedule for ammonia in the permit. That is the only issue that was open for comment. Since neither of the previous iterations included compliance schedule provisions, there were no comments related to the topic except that the City commented in its April 11, 2019, letter that a compliance schedule for ammonia should have been included in the permit. Since the inclusion of a compliance schedule for ammonia is the focus of this permit action, no change has been made to the permit as a result of this comment.