

Permit No. AZ0020524 / City of Phoenix 91<sup>st</sup> Avenue Wastewater Treatment Plant

Applicant: City of Phoenix  
5615 South 91<sup>st</sup> Avenue  
Tolleson, AZ 85353

Permit Action: Final Permit Decision and Response to Comments

Date: February 17, 2023

The City of Phoenix (The City) submitted comments on the proposed permit during the public comment period. The following is a description of the comments received and USEPA Region 9's (EPA or Region 9) response.

The Comments are in *Italics* and Region 9's Responses in **Bold**

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#### CITY OF PHOENIX'S COMMENTS:

##### *Comments on Draft Permit:*

1. *All Even Pages: Header in top left reads "DRAFT June 2020" and should be updated to reflect current year.*

**The reference to DRAFT has been eliminated in the Final Permit. The correct year is reflected in the Header.**

2. *Page 4-Table 1: Table header footnote typo for Frequency<sup>(3)</sup>*

**Typo corrected.**

3. *Page 4-Table 1: Whole Effluent Toxicity – The City requests a reduction in WET monitoring to semi-annually. The City has not had a WET test exceedance for the entirety of the previous permit.*

**Due to the large volume of flow that is discharged regularly from Outfall 005 and could be discharged from Outfall 001 into the Salt River, EPA is retaining quarterly monitoring for WET in the permit.**

4. *Page 4-Table 1: Hydrogen Sulfide missing sample type, should be “Discrete”*

**The sample type, “Discrete” has been added.**

5. *Page 5-Table 1: Copper and Iron should have footnote 14 reference removed as footnote 14 pertains to Chromium monitoring. Iron should have footnote (1) reference under the Maximum Daily column*

**The reference to foot note (14) has been removed. Added Iron footnote (1) reference under the Maximum Daily column.**

6. *Page 6-Table 1: Trans-1,2 dichloroethylene missing CAS #*

**CAS # for Trans-1,2 dichloroethylene, 156-60-5, added.**

7. *Page 7-Table 1: 2-chlorophenol typo, missing word “Composite” from sample type.*

**The word “Composite” to sample type added.**

8. *Page 8-Table 1: Bis(2-ethylhexyl) phthalate -City requests monitoring frequency to read “1X/Month 001/005 1X/6 Months FRW-1”*

**The monitoring frequency for Bis(2ethylhexyl) phthalate is “1X/Month 001/005 1X/6 Months FRW-1”**

9. *Page 10- Table 1: Boron -City requests to revise monitoring frequency to read “1X/Month 001/005 1X/6 Months FRW-1”*

**The monitoring frequency for Boron is “1X/Month 001/005 1X/6 Months FRW-1”**

10. *Page 10- Table 1: Endosulfan (Total) and Endrin – remove the “1b/day” under units’ column*

**“1b/day” under units’ column removed**

11. *Page 11-Table 1: Heptachlor and Hexachlorocyclohexane alpha Alpha-BHC- City requests to revise monitoring frequency to “1X/Month 001/005 1X/6 Months FRW-1”*

**The monitoring frequency for Heptachlor and Hexachlorocyclohexane alpha Alpha BHC is “1X/Month 001/005 1X/6 Months FRW-1”**

12. *Page 11-Table 1: Hexachlorocyclohexane delta -Add "lb/day" under units column*

**"lb/day" added in units column for Hexachlorocyclohexane delta.**

13. *Page 12-Table 1 Footnote 3: Footnote still references "Part VI.7" from previous permit. Please remove as correct reference is Attachment A.10. Also, there is no longer 2X/Month parameters for monitoring frequency, the City requests to remove language.*

**The correct reference Attachment A. 10 has been included and the erroneous monitoring frequency language of 2X/month has been removed.**

14. *Page 13 -Footnote 10: AZ Water Quality Standards for pH dependent ammonia is Attachment E. and the ammonia sample log is Attachment D.*

**The corrections have been made to reference the correct Attachments for pH dependent ammonia and the ammonia sample log.**

15. *Page 15 -Table 2: Should "Kjeldahl nitrogen" be Total kjeldahl nitrogen?"*

**The correction has been made to refer to "Total kjeldahl nitrogen."**

16. *Page 15 -Section E.1: Since this is a NPDES Permit is the City required to notify ADEQ for a 24-hour non-compliance notice? Is the City required to continue to submit written reports to ADEQ via myDEQ?*

**Because the 91<sup>st</sup> Avenue WWTP is located in Tolleson, Arizona, the City is required to provide 24-hour non-compliance notification to ADEQ as they are the entity with primary responsibility over impacts to human health and the environment from the WWTP. However, the City is NOT required to submit written reports to ADEQ via myDEQ as the permit is issued by USEPA.**

**The USEPA email address for submittal of 5-day non-compliance is added. The email addresses to submit such 5-day non-compliance reports are:**

**[R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and [Perkins.Susanne@epa.gov](mailto:Perkins.Susanne@epa.gov).**

17. *Page 18-19 -Section F.9 & 12: #F.9.states "under monthly submission the DMR form for January is due by February 28<sup>th</sup>". This contradicts Section F.12, which requires monthly DMRs to be submitted quarterly. Please provide clarity and consistency of correct report*

*due dates. Please confirm if the City is to report monthly or quarterly for the monthly DMRs*

**The contradictory language between Section F.9 and F. 12 has been clarified. The permit requires the City to report monthly for monthly DMRs in accordance with F.9. Quarterly and annual DMRs are to be submitted according to F.9 and 10.**

18. *Page 23 -Part II, Section C. Biosolids: The draft 2022 permit does not contain any requirements for priority pollutant sludge sampling as stated in the current 2016 NPDES Permit. Please clarify priority pollutant sludge monitoring and reporting requirements.*

**Monitoring for priority pollutant sludge sampling was inadvertently omitted in the 2022 draft permit. The requirement has now been included in the final permit at Part II C. 2.**

19. *Page 24 -Part II, C.1. General Requirements, Paragraph i: In the current 2016 NPDES permit, P.25, paragraph i. stated, "There shall be adequate screening at the treatment plant headworks...." This paragraph is omitted in the 2022 draft permit, please clarify if exclusion of the biosolids section was intentional, and if this condition is still a requirement.*

**This requirement is included in the final permit at Part II C. 1. j.**

20. *Page 27 -Part II, Section 5, Paragraph a: The City requests a phone number and email address for USEPA Region 9 to report 24 hour and other instances of biosolids non-compliance. Additionally, since biosolids are regulated under Arizona State code (p.23) the City requests to add ADEQ for notification of any biosolids non-compliance, in addition to EPA and GRIC.*

**Since biosolids are regulated under Arizona law, ADEQ has been included for notification of any biosolids non-compliance, in addition to EPA and GRIC. Notification of biosolids non-compliance shall be reported to EPA via telephone to the ECAD Unit as provided section I.E of the permit, and via email to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and to [Fondahl.Lauren@epa.gov](mailto:Fondahl.Lauren@epa.gov).**

21. *Page 27-28 -Part II, Section 6, Paragraph a: The draft 2022 permit states, "The Discharger shall submit an annual biosolids report into EPA's CDX electronic reporting system by February 19 of each year for the period covering the previous calendar year." Please clarify if the City is required to submit the annual biosolids report through CDX*

*NeT as well as submit the report via email to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov). This should be consistent with Page 33. Table 3, Annual Biosolids report.*

**As clarified in the Final Permit, the annual report should go to ADEQ, using ADEQ's format. A copy of the report in PDF shall be sent via email to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and to [Fondahl.Lauren@epa.gov](mailto:Fondahl.Lauren@epa.gov). The language Part II. C. 7.a. of the permit has been updated to clarify this.**

**If the City chooses to use the Net: NPDES e-Reporting Tool (NeT) program it may do so. If the City uses the CDX System then there is no need or sending annual reports via R9NPDES and to the Biosolids coordinator, but the report must still be submitted to ADEQ.**

22. *The City does not have the NeT: NPDES e-Reporting Tool program added to our CDX. The City requests guidance on how to request role access for this program as well as a guidance manual for configuration and setup for our facility.*

**If the City chooses to add NeT to its CDX, EPA's Enforcement Compliance and Data (ECAD) Section will provide the City guidance on how to do so, as well as provide information about configuration and setup. The City should contact Sandra Chew of the ECAD Section. She can be reached at [Chew.Sandra@epa.gov](mailto:Chew.Sandra@epa.gov).**

23. *Page 28 -Paragraph prior to section D Pretreatment: The City requests an email address for USEPA Region 9, GRIC, and ADEQ to submit the PDF report if biosolids were land applied.*

**The email for USEPA Region 9 for submitting PDF reports if biosolids were land applied is [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and [Fondahl.Lauren@epa.gov](mailto:Fondahl.Lauren@epa.gov). Reporting to EPA is adequate and separate reporting to GRIC is not necessary. For Arizona such reports may be sent to ADEQ via the portal provided by ADEQ for land application reporting.**

24. *Page 29 -Part II, D. Section 4: Please clarify if the City is required to submit the Pretreatment Annual Report to EPA and ADEQ. This should be consistent with P. 31 Part II, Section 6.*

**The City is required to submit Pretreatment Annual Reports to EPA and ADEQ. The Reports to EPA should be emailed to [R9Pretreatment@epa.gov](mailto:R9Pretreatment@epa.gov) and to the Regional pretreatment coordinator, Amelia Whitson at [Whitson.Amelia@epa.gov](mailto:Whitson.Amelia@epa.gov). The Report to ADEQ should be emailed to [pretreatment@azdeq.gov](mailto:pretreatment@azdeq.gov).**

25. *Page 29 -Part II, D. Section 4.a: The draft 2022 permit states “POTW’s influent and effluent for those pollutants identified under CWA section 307(a).... Sludge sampling and analyses are covered elsewhere in this permit.” There is no mention of priority pollutants sludge sampling under the biosolids section starting on Page 23.*

**This language was inadvertently omitted in the 2022 draft and now is included in the final permit at Part II C. 2.**

26. *Page 31, Part II, Section D, Paragraph 5: The annual pretreatment report requirements are covered in Part II D.4, not Part II F.4.*

**Typo corrected.**

27. *Page 31, Part II, Section D. Paragraph 5: 40 CFR §122.44(j)(2)(ii) does not state that the technical evaluation needs to be done by the second annual pretreatment report. The City requests the due date be removed from the 2022 permit. If the due date cannot be removed entirely then the City of Phoenix would like to request on additional year to meet the requirement to provide a technical evaluation of the need to revise local limits as this an extensive task. The City requests EPA to provide the specific year the evaluation is due in the 2022 permit.*

**EPA has provided an additional year to meet the requirement by the third annual pretreatment reporting date of February 19, 2025.**

28. *Page 31 -Part II, Section D, Paragraph 6: Please clarify if the City is to submit pretreatment reports to EPA and ADEQ, or EPA only. This should be consistent with P. 29, Part II, D. Section 4.*

**The City must submit pretreatment reports to EPA and ADEQ. See response to 24. above.**

29. *Page 33 -Part II, Section G Table 3 Special Reports, Annual Biosolids Reports: The table has “Submit through NeT” under Special Report Name” column, and in a separate box, “Submit report to “R9NPDES”. Please clarify if the City is required to submit the annual biosolids report through CDX, NeT, as well as submit the report via email to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov). Should be consistent with page 27-28, Section 6.a. annual biosolids reporting language.*

**Table 3 in Part II, Section G. has been updated to clarify that the annual biosolids report should sent either to [Fondahl.Lauren@epa.gov](mailto:Fondahl.Lauren@epa.gov) and [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) OR via the CDX system if the City has decided to use the CDX system.**

30. *Page 33 -Part III: The City requests to provide the EPA 24-hour reporting phone number for SSOs and also the email address for the EPA's Enforcement Division.*

**The 24-hour reporting phone number and email address for EPA's Enforcement Division have been added.**

31. *Page 37 -Part IV Section A 10(c): Minor typo, there is a duplicate number "(vi)."*

**Typo corrected**

32. *Page 42 -First Paragraph: The City requests EPA to clarify if SSO reports are to be sent to EPA Enforcement Division, per page 33, or submitted through CDX.gov as noted on this page. This section should be consistent with page 33.*

**SSO reports do not need to be submitted through CDX.gov, but only via the EPA's Enforcement Division as indicated on Page 33 -Part III.**

33. *Page 42 -Part IV, Section A.12, Paragraph g – Other noncompliance: The draft permit states, "The permittee shall report all instances of noncompliance not reported under 40 CFR §122.41(1)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (1)(6) of this section." Sections (1),(4), (5), and (6) of this section are no longer applicable, sections are now a, d, e, and f. The references need to be updated.*

**The language has been updated with the correct CFR language for the sections to refer to other non-compliance citing 40 CFR §122.41 subsections a, d, e, and f.**

34. *Page 47 -Part IV, Section B, Specific Categories of NPDES Permit (POTWs): -Draft 2022 Permit is missing a major portion of 40CFR 122.42. On page 43 of 52, in the 2016 91<sup>st</sup> Ave NPDES permit, there are sections for: "a. Existing manufacturing, commercial, mining, and silvicultural dischargers"; "Municipal Separate Storm Sewer Systems, at 40 CFR 122.42(c)", Stormwater Discharges, at 40 CFR 122.42(d), and Privately Owned Treatment Works, at 40 CFR 122.44(m). The City would like clarification on whether the exclusion of these sections were intentional.*

**The exclusions of these sections was intentional as the facility is not an Existing manufacturing, commercial, mining, and silvicultural discharger, nor is it is a Municipal Separate Storm Sewer System, or a Privately Owned Treatment Works.**

35. *Page 51 -Attachment B Location Map: Outfall 001 is noted as “not used and no flow out”. This outfall is used for plant maintenance activities and emergency discharge purposes. Please use updated location map provided with comments (document titled, “MAP of Outfalls and Monitoring Stations for the 91<sup>st</sup> Ave WWTP NPDES Permit 2022”*

**The updated location map has been substituted into Attachment B.**

*Comments on Draft Fact Sheet*

36. *Page 3 -Section II: Minor Typo correction replace the letter “l” with the number 1 - Township 1 N, Range 1 E, and Section”*

**Typo corrected**

37. *Page 4 -Paragraph 1: The City would like to include verbiage “for plant maintenance purposes or” to the second sentence as follows, “The permittee has also indicated that it would like to continue to retain the option of discharging directly into the Salt River for plant maintenance purposes or emergency situations via Outfall 001.”*

**The verbiage suggested by The City has been included in the appropriate paragraph.**

38. *Paragraph 4: The number of categorical SIU’s [sic] has been left blank, should this be 92?*

**The number of categorical SIUs has been updated to 92.**

39. *Page 5 -Section III. Spell out GRIC -Gila River Indian Community and replace words... portions of the Salt River “that are undisputedly” with “which are” in Arizona State Waters.*

**The recommended changes have been incorporated in Section III of the Fact Sheet. GRIC has been spelled out as Gila River Indian Community and the phrase “that are undisputedly” replaced with “which are.”**

40. *Page 12 -CBOD and TSS: The last sentence of the second paragraph states, “Monitoring for TSS shall occur at 005 on a monthly basis” This monitoring requirement is not included in the draft 2022 permit. Please remove this sentence.*

**As monitoring for TSS at Outfall 005 is no longer required on a monthly basis in the 2022 permit, the sentence is removed.**

41. *Page 16 -Section VIII A.: The last sentence of this section states, “All DMRs are to be submitted electronically to EPA using NetDMR or ADEQ’s eDMR program.” Please clarify and confirm that the City will no longer be required to submit DMRs through ADEQ’s eDMR program and will now be required to submit only through NetDMR.*

**All DMRs are to be submitted electronically to EPA using only NetDMR. The language in Section VIII A. has been amended to reflect this**

42. *Page 17 -Second Paragraph (Under Section VIII V C): The last sentence in this section states, “Please see Section III B.6 of the permit for details about the accelerated toxicity testing and TIE/TRE process.” This sentence should reference Section II B.6.*

**Typo corrected.**

43. *Page 17 -Section IX. C: Typo in the last sentence of this section should be changed from “i87ncluded” to “included”*

**Typo corrected.**

44. *Page 18 -3<sup>rd</sup> Paragraph Section X.A: Add in the correct year to month and day date.*

**The correct year, i.e. 2022, added.**

45. *Page 19 -Top of page (Section X. A): The last sentence (from page 18) in this section is missing the date the USFWS provided concurrence with EPA’s determination.*

**EPA received a concurrence letter from the USFWS on EPA’s Biological Evaluation pursuant to the Endangered Species Act on October 3, 2022. The correct date is now included in the Fact Sheet.**

46. *Page 20 -Appendix B -Location Map: Outfall 001 is noted as “not used and no flow out”. This is used for plant maintenance activities and emergency discharge purposes. Please*

*use updated location map provided with comments (document titled, “MAP of Outfalls and Monitoring Stations for the 91<sup>st</sup> Ave WWTP NPDES Permit 2022”.*

**The updated location map has been substituted into Attachment B**

Comments on Biological Evaluation

47. *Page 3 -Paragraph 5: While COP didn't directly observe any of these species, the AGFD marsh bird surveys detected 2 rails in the overbank wetlands in 2021. This is recorded in Table 3 of the annual report and is also acknowledged in the “Potentially Affected Species Yuma Ridgeway's Rail” section highlighted on page 5 in this biological evaluation. Should be revised to: COP did not directly observe any Southwestern willow flycatchers, Yuma Ridgeway's rails, and Yellow-billed cuckoos, however, the Arizona Game and Fish Department survey detected two Yuma Ridgeway's rail [sic] in the overbank wetlands, which is recorded in Table 3 of the annual report.*

**The language in the Biological Evaluation is revised to: COP did not directly observe any Southwestern willow flycatchers, Yuma Ridgeway's rails, and Yellow-billed cuckoos, however, the Arizona Game and Fish Department survey detected two Yuma Ridgeway's rail in the overbank wetlands, which is recorded in Table 3 of the annual report.**

48. *Page 6 -Paragraph 2: Minor typo in last sentence, change “ot” to “to.”*

**Typo corrected.**

49. *Last Page -Appendix B Location Map: Outfall 001 is noted as “not used and no flow out”. This is used for plant maintenance activities and emergency discharge purposes. Please use updated location map provided with comments (document titled, “MAP of Outfalls and Monitoring Stations for the 91<sup>st</sup> Ave WWTP NPDES Permit 2022”.*

**The updated location map has been substituted into Attachment B.**