

**U.S. Environmental Protection Agency
Region 10**

**Response to Comments
City of Marsing
Permit No. ID-002120-2**

Background

On December 18, 2003, EPA proposed to reissue the National Pollutant Discharge Elimination System (NPDES) Permit for the City of Marsing wastewater treatment facility. The Public Notice of the draft permit initiated a public comment period which expired on February 2, 2004. The EPA received comments on the draft permit from the Amy Woodruf, the city engineer; Jesse Hance, the city superintendent; and David Bennet from Analytical Labs, Inc.

This document summarizes the comments received on the draft permit, and EPA's response to the comments. The document provides a record of the basis for changes made from the draft permit to the final permit. The Fact Sheet that accompanied the draft permit was not revised because it is already a final document that provides a basis for the draft permit.

Comment 1

The City stated that the effluent limits for total suspended solids (TSS) in the current permit (average weekly limit of 105 mg/L, and an average monthly limit of 70 mg/L) should be retained in the new permit. The City states that it has an inflow and infiltration problem that can impact the lagoons by causing fluctuations in the retention time of the lagoons. The City further states that they are working to mitigate the inflow and infiltration.

Response 1

The requirement found in the Idaho Water Quality Standards at IDAPA 58.01.02.420 for lagoons (i.e., average monthly limit for TSS of 70 mg/L) has not been approved by EPA and therefore is not available to be used in an NPDES permit. The TSS effluent limits in draft permit will be retained in the final permit.

The Idaho Department of Environmental Quality is currently in the process of developing TSS requirements for wastewater treatment facilities that use lagoons. Once these requirements are developed and EPA approves them, they will be available for use in NPDES permits.

Comment 2

All three commenters stated that the lagoon system has a long detention time which causes the effluent discharge to be homogeneous in nature and slow to change in chemical and biological content. Requiring the facility to collect an 8-hour composite sample would cause an undue and unnecessary expense; grab samples should be required instead. Additionally, the city would lose the quality assurance and control advantage of having an independent laboratory analyze the samples for the monthly DMR, since the additional samples would make this cost-prohibitive.

Response 2

EPA agrees with the above and has revised the final permit to allow grab samples to be taken rather than 8-hour composite samples.

Comment 3

Requiring 5 samples per month for E. coli will place an unnecessary hardship on the city since the samples have to be go to a laboratory 50 miles away.

Response 3

The requirement to sample 5 times per month is a stipulation of the Idaho Water Quality Standards (IDAPA 58.01.02.251). The Water Quality Standards require that waters designated for primary contact recreation not contain E. coli bacteria in concentrations exceeding “a geometric mean of 126/100 ml based on a minimum of five samples taken every 3-5 days over a 30 day period.” The monitoring frequency of 5 samples per month was incorporated directly into the permit.

The permit contains a provision which states that the permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. (See Part IV.A. of the permit). If the Idaho Department of Environmental Quality revises its water quality standard for E. coli, and EPA approves the water quality standard revision, then the permittee may submit a request for permit modification.

Comment 4

The city objects to having to establish a sampling station upstream of its outfall. The city is concerned that there are no guidelines as to how much it will cost. Furthermore, the city believes upstream sampling is being required to punish the city if an increase is detected in the pollutant parameters.

Response 4

Upstream sampling is required in almost every permit EPA issues. The sampling results will be used during the next permit re-issuance, to determine if water quality based effluent limits are required to protect aquatic life uses in the river. See Appendix B, part B (Water Quality Based Effluent Limits) for further discussion on how water quality based effluent limits are derived. Section I.B of the permit has been modified to limit the surface water sampling to four years.

Comment 5

The city estimates that taking the E. coli samples to the laboratory, establishing a Quality Assurance Plan, and monitoring requirement may cost the city an additional \$30,000 a year. The city feels this puts an unrealistic burden on them.

Response 5

The permit has been modified to require grab sampling instead of 8-hour composite sampling, and to limit the surface water sampling to four years. This should reduce the City’s estimated additional costs. The permittee has not provided EPA with any information to show the cost

breakdown of the additional monitoring requirements, therefore, EPA has no way to further evaluate the comment.

As stated previously, the E. coli sampling frequency is a stipulation of the Idaho Water Quality Standards. Upstream monitoring requirements are included in almost every permit the EPA issues, and the data is necessary to determine if the facility needs water quality based effluent limits in order to ensure that aquatic life is being protected.

Developing a Quality Assurance Plan may not be as onerous of a task as the permittee perceives it to be. Existing QAPs may be modified accordingly for the requirements of the QAP. The degree to which each of the QAP elements must be addressed will differ depending on whether the City is directly responsible for performing the task. QAP elements for which the City is directly responsible (generally this may include such things as sample handling and custody requirements) may have extensive detail. Whereas, tasks conducted exclusively by the laboratory, may be sufficiently addressed by stating in the QAP that the laboratory is responsible for that task. The QAP should include information on what the City is requesting of the laboratory (such as specifics on parameters to be tested, testing methods, detection limits, etc.).