RESPONSE TO COMMENTS

City of Burley Wastewater Treatment Plant
NPDES Permit No. ID0020095
June 11, 2018

On October 31, 2017 the U.S. Environmental Protection Agency (EPA) issued a 30-day public notice for the reissuance of the City of Burley Wastewater Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit No. ID0020095. On November 22, 2017, the EPA granted an extension of the public notice comment period for a total of 60 days, ending on January 2, 2018. This Response to Comments provides a summary of the comments received and provides corresponding EPA responses to those comments.

Permitting authority for individual municipal NPDES permits and pretreatment will be transferred from the EPA to the State of Idaho effective July 1, 2018.

Comments were received from the following:

- Josh Johnson, Conservation Associate, Idaho Conservation League (ICL), comments received November 20, 2017
- Dee Hodge, Director of Wastewater Operations, City of Burley, comments received December 21, 2017

The following changes to the permit were made as a result of the comments received during the public comment period:

- Footnote 11 to Table 1 added, requiring the permittee to notify IDEQ within 24 hours if a sample for E. coli bacteria exceeds 235 CFU/100 ml from May 1 – September 30.
- Metals testing requirements in Table 1 changed from Quarterly to 2x/year.
- Footnote 10 to Table 1 added, defining 2x/year monitoring as once between January 1 and June 30 and once between July 1 and December 31, approximately 6 months apart.
- Units for metals monitoring in Table 1 changed from mg/L to µg/L.
- Quarterly effluent monitoring for chromium, molybdenum, nickel, selenium, and silver removed from Table 1 of the permit.
- Dissolved organic carbon, conductivity, total hardness as $CaCO_3$, arsenic, cadmium, copper, lead, zinc, cyanide, and mercury monitoring changed from Quarterly to 2x/year in Table 3.
- Chromium and nickel monitoring removed from Table 3.
- Footnote 2 added to Table 3, defining 2x/year monitoring as once between January 1 and June 30 and once between July 1 and December 31, approximately 6 months apart.
- Section I.D.5. describing surface water flow monitoring removed from the permit.
- Section I.D.7. added to the permit, allowing surface water monitoring data collected for the City of Burley's Industrial WWTP to be used to meet the required sampling outlined within the City of Burley WWTP permit if the collected data meets all other requirements outlined within the permit.
- Surface Water Monitoring Report due date changed from Annually on January 31st to Annually on March 1st.
- Schedule of Submissions: Surface Water Monitoring Report due date changed to March 1st.
- Section III.B.3 requiring physical copies of DMRs to be submitted to IDEQ removed.

- Facility address updated to 340 Hiland Avenue, Burley, ID 83318.
- Schedule of Submissions: Local Limits Evaluation. Numbering II.1.5 corrected to II.D.5.
- Section D.8.b updated to require 2x/yr sampling January – June and July – December.
- Permit section II.D.8.c, a reference to Section I.D. Whole Effluent Testing added.
- Permit section II.D.9.b.ii has been changed from referencing Part II.A.8 to Part II.D.8.
- Permit Section III.I has been changed from referenced Part II.D to Part II.E.
- The definition for the Alaska Department of Environmental Conservation has been removed from Section VI.

ICL Comment #1
Weakening of Ammonia Limits

Section V.D. of the Fact Sheet states that the draft permit includes less stringent ammonia limits than those in the previous permit. We question EPA's reasoning for this modification and believe that the ammonia standards cannot be allowed to regress in this manner.

The EPA's justification for relaxing the ammonia limits is that this change will not violate the existing water quality standards for ammonia or Idaho's antidegradation policy and thus satisfies the CWA exception against backsliding from a water quality-based effluent limitation. However, as stated on page 15 of the Fact Sheet, "the Clean Water Act requires that the effluent limits for a particular pollutant be the more stringent of either technology-based limits or water quality-based limits." Given that the previous permit had more stringent ammonia limits and the effluent from the Burley wastewater treatment plant typically met those stricter standards, it is evidently technologically feasible to attain those limits. On the basis of the requirements of 40 CFR 125.3(a), WQBELs are to be imposed when they provide more stringent effluent limitations (in the event that TBELs are not sufficient to protect water quality), which is clearly not the case here.

In its current form, the EPA's draft permit is in clear violation of the Clean Water Act because it establishes ammonia limits based on the less stringent WQBELs rather than the demonstrably more stringent TBELs. The EPA must either keep the previous ammonia limits or make them even more stringent if the technology-based limit forces them to do so in this instance.

We are particularly concerned about the proposed weakening of ammonia limits for the Burley WWTP because it discharges effluent directly into the Snake River, a water body that is beset with problems that include issues stemming from excess nitrogen in the water due to the intensive agricultural use of surrounding lands. Chief amongst those concerns are algal blooms, which result from excess baseline levels of nutrients (nitrogen and phosphorous) that cause algae to grow faster than ecosystems can handle, given favorable environmental conditions. Algal blooms can severely reduce or eliminate the amount of oxygen in the water, resulting in significant fish mortality[1]. Furthermore, nutrient-driven algal blooms can be harmful to humans due to their elevated levels of toxins and bacterial growth. In the past three years, there have been several notable algal blooms in the Snake River system that killed fish and prompted warnings for humans and their pets to stay out of the water[2].

The starting point for cleaning up the Snake River is to properly regulate major dischargers such as wastewater treatment plants. If the Snake River is ever to be fishable and swimmable again, it is imperative that the EPA and other agencies strengthen – not weaken – pollutant limits for point source

discharges into what once was the crown jewel of southern Idaho and is now its sewer system. Given that the Burley WWTP has a history of effluent violations related to nitrogen (Table 2, Fact Sheet), the EPA should not be rewarding them by loosening their nitrogen limits while simultaneously failing to comply with the CWA.

1 See: https://www.epa.gov/nutrientpollution/problem
2 e.g. http://www.idahostatesman.com/news/local/environment/article165588542.html

Response:
The previous permit for the City of Burley Municipal Wastewater Treatment Plant did not contain technology based effluent limits (TBELs) for ammonia. The previous permit contained only water quality based-effluent limits (WQBELs) for ammonia.

The facility's compliance with a WQBEL does not itself constitute a TBEL. TBELs for municipal facilities, such as the City of Burley Municipal Wastewater Treatment Plant, are derived from secondary treatment standards for publicly owned treatment works (POTWs). There is no secondary treatment standard for ammonia for POTWs. Therefore, there are no TBELs applicable to the City of Burley Municipal Wastewater Treatment Plant.

Since the calculated ammonia WQBEL for the draft permit was less stringent than the current permit's ammonia WQBEL, an antibacksliding analysis was performed and included in the fact sheet which provided an exception against the prohibition from backsliding:

> "Section 303(d)(4)(B) provides an exception against the prohibition from backsliding from a water quality based effluent limitation. Specifically, when water quality in the receiving water meets or exceeds applicable water quality standards, a permit can contain less stringent effluent limits than the previous permit if the revision is consistent with the State's approved antidegradation policy. The less stringent limits for ammonia meet this exception because the water quality in the receiving water meets the water-quality standards for ammonia, and because IDEQ found the draft permit conditions met the state of Idaho's antidegradation policy (See Appendix E)."

Statements concerning the relaxation of ammonia limits contributing to a degradation of the receiving water were addressed in the Idaho Department Environmental Quality's (IDEQ's) draft 401 Water Quality Certification, Antidegradation Review, included as Appendix E in the Fact Sheet. IDEQ found that the relaxation of ammonia WQBELs would meet Idaho's antidegradation policy and be protective of the receiving water.

No permit changes.

ICL Comment #2
TMDL Compliance

The Lake Wolcott TMDL for phosphorus is insufficient because it currently violates the water quality standards downstream on the Snake River in the area covered by the Mid-Snake (Upper Snake Rock) TMDL. A published letter from EPA Region 10 to IDEQ Water Quality Division in January 2017 confirms this when discussing the Mid-Snake TMDL for total phosphorus[3]: *"In this instance due to the flaws in the existing TMDL, we are not able to issue permits based on TMDL wasteload allocations (WLAs) because*

we cannot assure that water quality standards are being met. This leaves us with the need to base the permits on end of pipe water quality based effluent limits which for this waterbody would be a total phosphorus concentration of 0.075 mg/L."

The EPA is required to address this issue for this permit because the Lake Wolcott TMDL is violating Mid-Snake TMDL. Therefore, the Burley WWTP should have end of pipe limits to achieve water quality rather than maintaining the existing waste load allocation.

In addition, if and when the EPA and IDEQ update the Mid-Snake TMDL for total phosphorus, we request that EPA accordingly revise the relevant effluent standards prior to the next permit renewal to reflect the requirements of the new TMDL.

3 http://www.deq.idaho.gov/media/60179526/mid-snake-upper-snake-rock-phosphorus-tmdl-epa-letter-011017.pdf

Response:
The City of Burley Municipal Wastewater Treatment Plant discharges its effluent within the Lake Walcott Subbasin and includes effluent limits consistent with the assigned wasteload allocations included in the Lake Walcott TMDL.

The EPA has not opined that the Lake Walcott TMDL violates the water quality standards in the area covered by the Mid-Snake TMDL. The EPA letter referenced in this comment refers specifically to phosphorus limits derived consistent with the WLAs from within the Mid-Snake TMDL and not the Lake Walcott TMDL.

No permit changes.

ICL Comment #3
Protection for Contact Recreation Use

In the State of Idaho's antidegradation review, the Snake River is designated as high quality for primary contact recreation and is therefore afforded Tier II protection for that beneficial use. We have concerns that the permittee will not be fully compliant in this regard during the next permit cycle based on their prior history of *E. coli* and fecal coliform violations, potentially leading to degradation under Idaho water quality standards. In fact, the permittee has recently violated both the E. coli and fecal coliform limits based on available data from the EPA's ECHO database[4], with no apparent repercussions. The EPA's Effluent Limit Exceedances Report for this facility indicates that single sample maximum values of *E. coli* have exceeded the relevant limit multiple times in the last year by up to 149%[5]. Recent violations have resulted in 86,011 lb/period load over limit for *E. coli* and 7,716 lb/period load over limit for fecal coliform[5]. These exceedances clearly violate Idaho water quality standards and antidegradation policy (IDAPA 58.01.02.251.01.b.ii and 58.01.02.051.02). We request that EPA consider these violations as an impetus to implement a more stringent *E. coli* effluent limit in accordance with Idaho water quality standards in order to better protect contact recreation beneficial use (discussed below).

IDAPA 58.01.02.251.01.b.iii states that public swimming beaches within waters designated for primary contact recreation shall necessitate a more stringent *E. coli* single sample maximum of 235 organisms/100 mL. For this permit to satisfy Idaho water quality standards, the EPA must adopt this stricter *E. coli* limit for the Burley WWTP due to the close proximity of the plant outfall to a downstream public swimming location. As shown on the Google Earth image below, the plant discharges treated

effluent a mere half mile upstream of a swimming area at Lex Kunau Park[6]. This is a public park with swimming docks, a lifejacket exchange stand, and public references to swimming use online, which should qualify it as a "public swimming beach" as defined in IDAPA 58.01.02.010.81.

In addition, local and regional tourism websites tout the Burley area to have "20 miles of the most popular shoreline along the Snake River" and "from a lazy swim to water sport to world class boat races you can enjoy it all at the Snake River in Burley"[7]. For the Snake River to eventually become consistently safe to swim and fish in again, the EPA must properly regulate the effluent being discharged into the waterway from major point sources. In this instance, they should adopt the stricter single sample *E. coli* limit.

Response:
In the CWA 401 Water Quality Certification IDEQ performed an antidegradation review and found that the permit complies with the Tier II provisions of Idaho's Water Quality Standards.

The EPA has reviewed the information regarding Lex Kunau Park and has determined that it meets the definition of a public swimming beach as defined in IDAPA 58.01.02.010.81 due to the features, signage, and public use as a swimming destination.

For public swimming beaches, the Idaho water quality standards include a single sample maximum of 235 CFU/100 ml. As set forth in the water quality standard, a sample count above this value should be considered in beach closures (IDAPA 58.01.02.251.01.b.iii). The EPA has included a provision in the permit that requires the permittee to notify IDEQ if a sample exceeds 235 CFU/100 ml during months when swimming is likely to occur (i.e., May – September).

In addition, the permit includes a monthly geometric mean limit of 126 organisms per 100 ml, which directly implements the water quality criterion for *E. coli*. The permit also includes an instantaneous maximum limit of 406/100 ml. As explained in the fact sheet, the instantaneous maximum effluent limit was derived from an interpretation of the Idaho water quality standards which states that the single sample maximum values are an indication that the geometric mean criterion of 126/100 ml is being violated.

As to the request that EPA consider violations as an impetus to implement a more stringent *E. coli* effluent limit in accordance with Idaho water quality standards in order to better protect contact recreation beneficial use, the EPA relies on the 401 Certification. The 401 Certification states the *E. Coli* limits in the permit comply with the Idaho water quality standards. The violations were not an impetus for Idaho to require more stringent *E. Coli* effluent limitations to protect contact recreation beneficial use.

Permit Changes:
Added Footnote 11 to Table 1. The permittee must notify the IDEQ within 24 hours if the single sample maximum for *E. coli* bacteria exceeds 235 CFU/100 ml during the following time period: May 1 - September 30.

Burley Comment #1
Simplify Metals Testing Lists: There are currently two locations in the permit where metals sampling requirements are listed, Table 1 on pages 5-6 and #8 on pages 17-18 under the pretreatment requirements. We request that the list included with the pretreatment requirements be replaced with a statement such as "Sample parameters shall be as listed in I.B.1 Table 1", and that all required parameters be listed in Table 1. This will require the addition of molybdenum, selenium, and silver to Table 1. The sample location will need to be listed as "influent/effluent" for the following parameters:

a. Alkalinity
b. Total hardness
c. Dissolved organic carbon
d. Conductivity
e. Arsenic
f. Cadmium
g. Chromium
h. Copper

i. Lead
j. Mercury
k. Molybdenum
l. Nickel
m. Selenium
n. Silver
o. Zinc
p. Cyanide

Response:
Metals monitoring required by the pretreatment section in the permit are separated because they are required by the pretreatment program, and required to be submitted under a separate pretreatment report. The metals monitoring required by Table 1 are required to be submitted through NetDMR. Because the reporting requirements are different, the permit lists required monitoring in Table 1 separate from the required pretreatment monitoring.

No permit changes.

Burley Comment #2
Reduce Metals Testing Frequency: The draft permit includes metals testing requirements for the effluent at quarterly intervals (Table 1 on pages 5-6). Metals testing for the influent and effluent is also required twice yearly as part of the pretreatment requirements (#8 on pages 17-18). Given that the fact sheet indicates that this facility does not have a reasonable potential for metals and that our historical metals concentrations have been very low, we feel that the twice annual metals testing included as part of the pretreatment requirements is reasonable but that the quarterly testing included in Table 1 is excessive. We request that the frequency for the parameters listed in our comment #1 be reduced to twice per year.

Response:
Metals monitoring is included in the permit in order to reassess reasonable potential during the next permit reissuance. Monitoring twice per year would yield a total of 10 samples, which will be sufficient in order to reassess reasonable potential.

Permit Changes:
Metals testing requirements in Table 1 changed from Quarterly to 2x/year.
Footnote 10 to Table 1 added, defining 2x/year monitoring as once between January 1 and June 30 and once between July 1 and December 31, approximately 6 months apart.

Burley Comment #3
Change Units for Metals Parameters: Table 1 lists the unit of measurement for several metals parameters as mg/L, but Table 3 (page 11) lists the units as ug/L. This may be confusing and could result in misreporting. We request that the units for the appropriate parameters in Table 1 be changed to match the units (ug/L) listed in Table 3.

Response:
To reduce the possibility mis-reporting units, the EPA will use the same units for metals in Table 1 as Table 3 of the permit.

Permit Changes:
Units for metals monitoring in Table 1 changed from mg/L to ug/L.

Burley Comment #4
Remove Certain Metals Testing Requirements: We request that the **following** metals be removed from the testing requirements listed in Table 1. Note that these will still be included in the Expanded Effluent Testing.

a. Cadmium: Our current permit includes monthly testing for cadmium. For the period of Jan 2013-Sep 2017, cadmium had very low concentrations. Cadmium had 9 positive sample results with 48 non-detects, and the average of the results was 0.78 ug/L (using 0 for non-detects). Note that the detection limit is 0.1 ug/L.
b. Chromium: We reported an average chromium concentration of 1.39 ug/L in our permit renewal package, based on 15 samples. This is slightly above the detection limit of 1 ug/L.
c. Lead: Our current permit includes monthly testing for lead. For the period of Jan 2013-Sep 2017, lead had very low concentrations. Lead had 2 positive sample results with 55 non-detects, and the average of the results was 0.3 ug/L (using 0 for non-detects). Note that the detection limit is 1 ug/L.
d. Molybdenum: This is a new addition to our monitoring. We have not tested for this in the past, but based on our overall low metals testing results, this is not expected to be a concern. We suggest that this be added as a parameter for the Expanded Effluent Testing as an alternative.
e. Nickel: We reported an average nickel concentration of 5.58 ug/L in our permit renewal package, based on 15 samples. This is slightly above the detection limit of 2 ug/L.
f. Selenium: This is a new addition to our monitoring. We have not tested for this in the past, but based on our overall low metals testing results, this is not expected to be a concern. Also, the Site-Specific Selenium Criterion report (IDEQ, Nov 2017) indicates that the vast majority of selenium concentrations in the state are below criterion levels. Therefore this testing does not appear necessary.
g. Silver: We reported an average silver concentration of 3.62 ug/L in our permit renewal package, based on 15 samples. This is slightly above the detection limit of 0.5 ug/L.
h. Cyanide: Our current permit includes monthly testing for cyanide. For the period of Jan 2013-Sep 2017, cyanide had very low concentrations. Cyanide had 5 positive sample results with 52 non-detects, and the average of the results was 0.6 ug/L (using 0 for non-detects). Note that the detection limit is 5 ug/L.

Therefore, we propose that Table 1 include the following parameters for metals testing (strike-through indicates those that we request be removed):

a. Alkalinity
b. Total hardness
c. Dissolved organic carbon
d. Conductivity
e. Arsenic
~~f. Cadmium~~
~~g. Chromium~~
h. Copper
~~i. Lead~~

j. Mercury
~~k. Molybdenum~~
~~l. Nickel~~
~~m. Selenium~~
~~n. Silver~~
o. Zinc
~~p. Cyanide~~

Response:
The individual response concerning the requested removal of each metal is listed below. No reasonable potential was found for each of the listed metals during the development of the draft permit. The EPA has reassessed the validity of requiring monitoring for each of the listed metals below. For metals in which the effluent monitoring is retained in the permit, the frequency was reduced from Quarterly to 2x/year in accordance with Burley Response #2.

Cadmium:
The chronic aquatic life criteria for cadmium in Idaho according to the Idaho Water Quality Standards is 0.74 ug/L, and the acute criteria is 1.809 ug/L. Because the City of Burley WWTP reported detects in the effluent above the chronic aquatic life criteria, the draft permit includes continued monitoring in order to assess reasonable potential during the next permit issuance.

Chromium:
The chronic aquatic life criteria for chromium in Idaho according to the Idaho Water Quality standards is 11 ug/L, and the acute criteria is 16 ug/L. The 95th percentile chromium effluent concentration reported by the City of Burley WWTP was 2 ug/L. The chromium sampling required in the application submittal will be sufficient in order to assess reasonable potential for chromium during the next permit issuance.

Lead:
The acute aquatic life criteria for lead in Idaho according to the Idaho Water Quality standards is 105.151 ug/L, and the chronic criteria is 4.098 ug/L. The 95th percentile for lead effluent concentration reported by the City of Burley WWTP of 5 ug/L, greater than the chronic criteria. Because the City of Burley WWTP reported detects in the effluent above the chronic aquatic life criteria, the draft permit includes continued monitoring in order to assess reasonable potential during the next permit issuance.

Molybdenum:
The City of Burley WWTP application showed non-detects for the majority of metals required by the expanded effluent testing. Molybdenum is typically not required by the expanded effluent testing. After review, the EPA concluded that molybdenum is not a pollutant of concern for this facility and was not listed as such in the public noticed fact sheet.

Nickel:
The acute aquatic life criteria for nickel in Idaho according to the Idaho Water Quality standard is 685.797 ug/L, and the chronic criteria is 76.171 ug/L. The 95th percentile for lead effluent concentration reported by the City of Burley WWTP of 9 ug/L. The nickel sampling required in the application submittal will be sufficient in order to assess reasonable potential for nickel during the next permit issuance.

Selenium:

The City of Burley WWTP application showed 3 non-detects for selenium as required by the expanded effluent testing. The acute aquatic life criteria for selenium in Idaho according to the Idaho Water Quality standard is 20 ug/L, and the chronic criteria is 5 ug/L. All 3 non-detects were <5 ug/L. The selenium sampling required in the application submittal will be sufficient in order to assess reasonable potential for selenium during the next permit issuance.

Silver:
The City of Burley WWTP application showed 3 non-detects for silver as required by the expanded effluent testing. The acute aquatic life criteria for silver in Idaho according to the Idaho Water Quality standard is 7.5 ug/L, and the chronic criteria is 0.85 ug/L. All 3 non-detects were <1 ug/L. The silver sampling required in the application submittal will be sufficient in order to assess reasonable potential for silver during the next permit issuance.

Cyanide:
The acute aquatic life criteria for cyanide in Idaho according to the Idaho Water Quality standards is 22 ug/L, and the chronic criteria is 5.2 ug/L. The 95th percentile for cyanide effluent concentration reported by the City of Burley WWTP of 5 ug/L, within 0.2 ug/L of the chronic criteria. Therefore, the draft permit includes continued effluent monitoring in order to assess reasonable potential during the next permit issuance.

Permit Changes:
No permit changes for cadmium, lead, and cyanide.

Quarterly effluent monitoring for chromium, molybdenum, nickel, selenium, and silver removed from Table 1 of the permit.

Burley Comment #5
Reduce WET Testing Requirement: The draft permit requires annual Whole Effluent Toxicity testing (Table 1 on pages 5-6), which is a significant change from our previous permit (once per permit cycle was required) and represents a significant increase in our testing costs. The fact sheet does not explain the rationale behind this increase in WET testing. Given that we do not have a reasonable potential for metals, we feel that the annual testing requirement is excessive. We request that this be reduced to three tests per permit cycle.

Response:
The City of Burley Municipal WWTP is classified as a major facility due to a design flow greater than 1 MGD. Annual WET testing is recommended for major discharges and is consistent with the WET testing frequency required of similar facilities in Idaho.

No permit changes.

Burley Comment #6
Reduce Permit Application Expanded Effluent Testing Requirement: The draft permit requires annual testing Permit Application Expanded Effluent Testing. This is a significant change from our previous permit (these lists include over 100 parameters), and will require a significant increase in our testing costs. The fact sheet does not explain the rationale behind this increase in the expanded effluent testing. Given that we do not have a reasonable potential for metals, we feel that the annual testing requirement is excessive. We request that this be reduced to three tests per permit cycle.

Response:
Annual testing for the permit application expanded effluent testing pairs with the annual requirement for WET testing. If a WET test failed or had high toxicity, the expanded effluent testing can be used to identify toxicity. Annual testing for WET tests and the expanded effluent testing is recommended based upon the design flow of the facility.

No permit changes.

Burley Comment #7
Reduce Surface Water Monitoring Frequency: The draft permit requires quarterly testing of the surface water upstream of the discharge. As we noted in our response to the draft permit for our Industrial WWTP (permit ID-000066-3, March 2009), the Snake River is exceptionally hazardous in this reach. This is especially true in the winter, when the river freezes over and it is very difficult to access the water. We feel that twice annual sampling will properly characterize the water. This requested change was made in the Industrial WWTP permit. We request that the frequency be reduce to twice per year for this permit as well.

Response:
The draft permit proposed quarterly monitoring for the following parameters in the surface water: dissolved organic carbon, conductivity, total hardness as $CaCO_3$, arsenic, cadmium, chromium, copper, lead, nickel, zinc, cyanide, and mercury.

Dissolved organic carbon, conductivity, total hardness as CaCO3, and copper surface water monitoring will be used to assess copper toxicity under the copper biotic ligand model (BLM). Reducing monitoring from quarterly to 2x/year will provide a minimum of 10 samples for each parameter as inputs into the copper BLM, which will provide sufficient data in order to run the model.

Arsenic, cadmium, lead, zinc, cyanide, and mercury surface water monitoring will be used to establish background concentrations in the receiving water and determine assimilative capacity for these pollutants of concern. Reducing monitoring from quarterly to 2x/year will provide a minimum of 10 samples for each parameter, which will provide sufficient data in order to establish background concentrations.

Chromium and nickel were determined to not be pollutants of concern in response to Burley Comment #4. Because effluent monitoring for chromium and nickel has been removed from the permit, surface water monitoring for these parameters is no longer required in order to establish background concentrations and determine the assimilative capacity of the receiving water.

Permit Changes:
Dissolved organic carbon, conductivity, total hardness as $CaCO_3$, arsenic, cadmium, copper, lead, zinc, cyanide, and mercury monitoring changed from Quarterly to 2x/year in Table 3.

Chromium and nickel monitoring removed from Table 3.

Footnote 2 added to Table 3: 2. Sampling must be conducted twice per year: once between January 1 and June 30 and once between July 1 and December 31. The two sampling events must be approximately 6 months apart.

Burley Comment #8
Reduce Surface Water Monitoring Time Period: The draft permit requires that surface water monitoring "start on the effective date of the permit and continue for until the expiration date of the permit", while the previous permit required monitoring "starting 1 year after the effective date of the permit and continuing for 3 years." We feel that five years of testing is excessive, and are concerned that the testing will be required to continue if our permit is administratively extended after the expiration date. We request that the testing period be reduced to 3 years.

Response:
Surface water monitoring is required each year of the permit term, including each year the permit is administratively continued. Continuing surface water monitoring for administratively continued permits ensures current data are available when the permit is reissued. In order to adequately assess changes in the receiving water and assess assimilative capacity, the most up to date information is required.

In addition, the monitoring frequency for parameters requiring Quarterly monitoring were reduced to 2x/year in response to Burley Comment #7, which will halve the number of required tests.

No permit changes.

Burley Comment #9
Modify River Flow Rate Measurement Requirements: The draft permit requires that the river flow rate be measured (item D.5 on page 11). It is impossible for us to measure the flow rate near the discharge point given the size of the river. We request that language be added that allows us to submit flow data from the nearest upstream USGS gauge station (13081500, downstream of Minidoka Dam) in lieu of performing our own flow measurements at the discharge location.

Response:
Table 3 Surface Water Monitoring Requirements does not require Flow monitoring. The explanation of D.5. is in error and will be removed. Surface water flow monitoring is not required due to the availability of the USGS Gauging Station #13081500, which can be used to calculate low-flows in the receiving water.

Permit Changes:
Section I.D.5. removed from the permit.

Burley Comment #10
Include Statement Regarding Surface Water Monitoring: The permit for our Industrial WWTP (permit ID-000066-3) includes a statement indicating that the surface water monitoring can be used to satisfy the requirements of both permits (item D.6 on page 11 of the current Industrial WWTP permit). We request that a similar statement be included in this permit.

Response:
Surface water data collected for the City of Burley Industrial WWTP may be used to satisfy the requirements in the City of Burley Municipal WWTP and vice versa, as long as the requirements in each permit are met.

Permit Changes:

The following section has been added to the permit:

Section I.D.7. Surface water monitoring data collected for the City of Burley's Industrial WWTP may be used to meet the required sampling outlined within this section if the collected data meets all other requirements set forth in this section.

Burley Comment #11
Clarify Surface Water Monitoring Report Submission Requirements: The Schedule of Submissions on page 2 of the draft permit lists that the Surface Water Monitoring Report should be submitted with the next permit application, however part I.D.10.b (page 12) describes that the report should be submitted annually. Please clarify when this report should be submitted. If annual reporting is required, we request that the due date be changed to March 1st to allow us sufficient time to assemble this report.

Response:
The Schedule of Submissions is a summary of all the reports due in the permit and should accurately summarize the requirements within the permit. The Schedule of Submissions will be updated to reflect the required submittal for the Surface Water Monitoring Report.

Permit Changes:
Surface Water Monitoring Report due date changed from Annually on January 31st to Annually on March 1st.

Schedule of Submissions: Surface Water Monitoring Report due date changed to March 1st.

Burley Comment #12
Remove Requirement to Submit Separately to IDEQ: Part III.B.3 of the draft permit (page 22) requires the City to submit copies of DMRs and reports to IDEQ. We request that this requirement be removed since IDEQ can access this information through NetDMR.

Response:
IDEQ will be able to access DMR information through NetDMR.

Permit Changes:
Section III.B.3 of the draft permit removed.

Burley Comment #13
Draft Permit Page 1: The street name for the address to the plant is spelled incorrectly. The correct address is "340 Hiland Avenue, Burley ID 83318".

Permit Changes:
Facility address updated to 340 Hiland Avenue, Burley, ID 83318.

Burley Comment #14
Draft Permit Page 2, Schedule of Submissions: Under Local Limits Evaluation, the reference should read "II.D.5" instead of "II.1.5".

Permit Changes:

Local Limits Evaluation updated from II.1.5 to II.D.5.

Burley Comment #15
Draft Permit Page 18, Item D.8.b: The draft permit does not specify the date ranges for the pretreatment sampling.

Permit Changes:
Section D.8.b updated to require 2x/yr sampling January – June and July – December.

Burley Comment #16
Draft Permit Page 18, Item D.8.c: The phrase "insert paragraph number" needs to be replaced with the appropriate reference.

Permit Changes:
Reference to Section I.D. Whole Effluent Testing added.

Burley Comment #17
Draft Permit Page 19, Item D.9.b.ii: The reference to "Part II.A.8" should be changed to "Part II.D.8".

Permit Changes:
Permit section II.D.9.b.ii has been changed from referencing Part II.A.8 to Part II.D.8.

Burley Comment #18
Draft Permit Page 25, Item III.I: The reference to "Part II.D" should be changed to "Part II.E".

Permit Changes:
Permit Section III.I has been changed from referenced Part II.D to Part II.E.

Burley Comment #19
Draft Permit Page 32, Item VI.3: The definition for the Alaska Department of Environmental Conservation can be removed.

Permit Changes:
The definition for the Alaska Department of Environmental Conservation has been removed from Section VI.

Burley Comment #20
Fact Sheet Page 8, Table 1: The street name for the address to the plant is spelled incorrectly. The correct address is "340 Hiland Avenue, Burley ID 83318".

Permit Changes:
No permit changes. However, due to the factual inaccuracy, the fact sheet has been updated to reflect the proper address.

Burley Comment #21
Fact Sheet Page 9, Table 1: The values listed for effluent TSS appear incorrect. The values correspond with our lbs/day loads, rather than the mg/L concentration. Please insert the correct concentration values.

Permit Changes:
No permit changes. However, due to the typo between lbs/day and mg/IL, the fact sheet has been updated to avoid confusion.

Burley Comment #22
Fact Sheet Page 10, First Paragraph: The dates included in the fifth sentence do not make sense. It notes that we received an NOV in Dec 2015 for violations that extended through Jul 2016.

Permit Changes:
No permit changes.

References

EPA. 1986. *Technical Guidance Manual for Performing Wasteload Allocations, Book VI: Design Conditions - Chapter 1: Stream Design Flow for Steady-State Modeling.* US Environmental Protection Agency, Office of Water Regulations and Standards, EPA/440/4-86-014.

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control.* US Environmental Protection Agency, Office of Water, EPA/505/2-90-001.

IDEQ. 2013. *Bear River Basin: Addendum to the Bear River/Malad Subbasin Assessment and Total Maximum Daily Load Plan for HUCs 16010102, 16010201, 16010202, 16010204.* Pocatello Regional Office, Idaho Department of Environmental Quality.